

*Tribal email to Laura week of
May 29*

Rincon Band of Luiseño Indians

PO Box 68 Valley Center, CA 92082 ♦ (760) 749-1051 ♦ Fax: (760) 749-8901



May 29, 2012

VIA EMAIL ONLY

Ebbert.laura@epa.gov

Ms. Laura Ebbert
Manager Tribal Program Office
U.S. EPA Region IX
75 Hawthorne Street
Mail Code: CED-3
San Francisco, CA 94105

RE: TRIBAL CONSULTATION MEETING - JUNE 1, 2012

Dear Ms. Ebbert:

On behalf of the Rincon Band of Luiseno Indians, I am delighted to meet with Regional Administrator Blumenfeld on Friday, June 1, 2012, at EPA Region IX offices in San Francisco to have a meaningful discussion about EPA's level of assistance in connection with contamination of our land and water resources on the Rincon Reservation.

This environmental matter, which we refer to as the "Mushroom Farm," was first raised with EPA's Ms. Jean Gamache in 2008 following the Poomacha Fire. In October 2011, the Band submitted copies of a Phase I Environmental Site Assessment to Mr. Jim Grove, Regional Enforcement Coordinator and Mr. Enrique Manzanilla, Director of EPA Communities and Ecosystems Division, estimating a large plume of fuel range petroleum hydrocarbon impacted soil and ground water emanating from the Mushroom Farm. The Phase I lead to additional study and investigation. Enclosed for your reference is an excerpt of the Report of Soil and Groundwater Sampling, Monitoring Well Installation, and Aquifer Testing: Part I, dated December 19, 2011, which confirms the presence of a plume. Also enclosed is a copy of Regional Administrator Blumenfeld's, May 2, 2012, response indicating that EPA does not have adequate justification to re-visit involvement in addressing this matter but is open to discussing the results of future sampling.

Bo Mazzetti
Chairman

Stephanie Spencer
Vice-Chairwoman

Charlie Kolb
Council Member

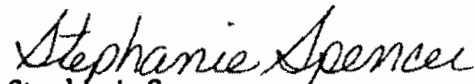
Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Pursuant to a court order, the Band concluded additional on-site testing of the Mushroom Farm last month, the results of which indicate numerous areas of source contamination in violation of the Band's Environmental Screening Levels. We believe this plume is a significant threat to human health and the environment. We hope to devote a substantial amount of meeting time to how the EPA and the Band can work cooperatively to restore impacted tribal lands and ground water through on-going consultation, technical support from key EPA staff, civil enforcement actions and other alternatives that will result in greater environmental protection of Federal trust assets at issue.

I look forward to a productive discussion Friday at 11:00am PT. If you have questions in the meantime, please direct them to Ms. Denise Turner Walsh, Attorney General of the Rincon Band of Luiseño Indians, who can be reached at (760) 689-5727. Thank you.

Regards,


Stephanie Spencer
Vice Chair
Rincon Band of Luiseño Indians

enclosures

1 Scott Crowell
2 Attorney General
3 Rincon Band of Luiseno Indians

3 Scott Wheat
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6 Spokane, WA, 99201
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7 Attorneys for Plaintiff
8 Rincon Band of Luiseno Indians

9 THE INTERTRIBAL COURT OF SOUTHERN CALIFORNIA
10 RINCON BAND OF LUISENO INDIANS

11 RINCON BAND OF LUISENO INDIANS,

12 Plaintiff,

13 v.

14 MARVIN DONIUS, and MUSHROOM
15 EXPRESS, INC., a California Corporation,

16 Defendants.

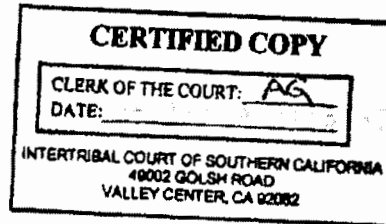
Case No. RINCON-02972009

NOTICE OF HEARING

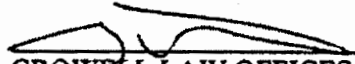
18 PLEASE TAKE NOTICE that the Court shall conduct a telephonic hearing on Plaintiff's
19 Motion for Order Compelling Site Access on March 21, 2012 at 2:00 pm. The conference
20 number and code are as follows:

- 21 1. number: (218) 339-4600
22 2. code: 499215
23
24
25
26

NOTICE OF HEARING



1 Dated this 20th day of March, 2012.

2
3 
4 CROWELL LAW OFFICES
5 Scott Wheat
6 Rincon Bar No. 372009
7 Attorneys for Plaintiffs

8 DECLARATION OF SERVICE

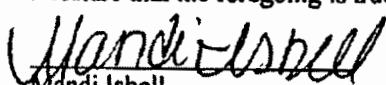
9 I, the undersigned, declare: I am a Certified Paralegal employed by Crowell Law Offices, attorneys
10 representing the Rincon Band of Luiseno Indians in this action. I am over the age of 18 and not a party to
11 this action. My business address is 10 N. Post, Ste. 445, Spokane, WA 99201.

12 On March 20, 2012 I served the **NOTICE OF HEARING** on the interested parties in this action
13 identified below by placing the original or a true copy thereof as follows:

14 [X] BY EMAIL: I caused such document(s) to be delivered by email to: glawgem@aol.com the email
15 addresses of legal counsel for the Defendants in this action as listed above.

16 [X] VIA FAX: I caused such documents to be delivered by facsimile transmission to: 858-481-1246, the
17 fax number of legal counsel for the Defendants in this action as listed above.

18 I declare that the foregoing is true and correct.

19 
20 Mandi Isbell
21 Paralegal
22 Crowell Law Offices
23
24
25
26

NOTICE OF HEARING

**THE INTERTRIBAL COURT OF SOUTHERN CALIFORNIA
RINCON BAND OF LUISENO INDIANS**

RINCON BAND OF LUISENO INDIANS.
Plaintiff,

v.

**MARVIN DONIUS, an individual, and
MUSHROOM EXPRESS, INC., a California
Corporation,**
Defendants.

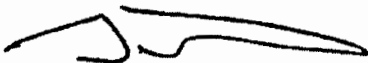
Case No. RINCON-02972009

**MOTION FOR ORDER COMPELLING
SITE ACCESS**

COMES NOW the Rincon Tribe, who moves the Court for the issuance of an Order compelling the Defendants to allow access to the property located at 33777 Valley Center Road, Rincon Reservation, San Diego County, California, known as the "Former Mushroom Farm," for the purposes of conducting onsite soil and water sampling. The grounds for this Motion are set forth in the attached memorandum, which is incorporated herein by this reference.

Respectfully submitted this 20th day of March, 2012.

CROWELL LAW OFFICES



Scott Wheat
Attorneys for Plaintiff

DECLARATION OF SERVICE

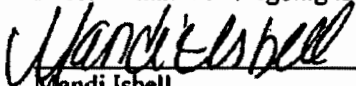
I, the undersigned, declare: I am a Certified Paralegal employed by Crowell Law Offices, attorneys representing the Rincon Band of Luiseno Indians in this action. I am over the age of 18 and not a party to this action. My business address is 10 N. Post, Ste. 445, Spokane, WA 99201.

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I declare that the foregoing is true and correct.



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*Attorneys for Plaintiff
Rincon Band of Luiseno Indians*

**THE INTERTRIBAL COURT OF SOUTHERN CALIFORNIA
RINCON BAND OF LUISENO INDIANS**

RINCON BAND OF LUISENO INDIANS,
Plaintiff,

v.

MARVIN DONIUS, an individual, and
MUSHROOM EXPRESS, INC., a California
Corporation,
Defendants.

Case No. RINCON-02972009

**MEMORANDUM IN SUPPORT OF
MOTION FOR ORDER COMPELLING
SITE ACCESS**

The Band submits this memorandum in support of its motion for an order allowing the Band access to the property located at 33777 Valley Center Road, Rincon Reservation, San Diego County, California, known as the "Former Mushroom Farm."

I. INTRODUCTION

This Court ruled long ago in this matter that the Tribe has jurisdiction to enforce its land use ordinances over non-Indian activities at the FMF. June 2, 2009 Order. However, at the request of the parties, the Court has agreed to reconsider defendants' objections to jurisdiction. See Transcripts of December 6, 2012 Hearing, p. 7 ("Transcript") (marked as "Exhibit 1,"

attached and incorporated by reference). The Court has further ordered that the parties be allowed to conduct discovery on jurisdictional issues prior to the hearing. *See, e.g.* February 23, 2012 Scheduling Order.

As the court is aware, among its arguments in support of jurisdiction, the Tribe has long maintained that it has civil jurisdiction over the conduct of non-Indians occurring on the FMF to protect against threats to the Tribe's groundwater resources under the second "Montana" exception. *See, e.g. Rincon Mushroom Corporation of America v. Mazzetti*, 2010 WL 3768347 (S.D. Cal., 2010) *RMCA v. Mazzetti*; Exh. 1, p. 6. In developing a record to support assertion of jurisdiction under the second Montana exception, the Tribe retained a California State certified geologist to investigate the potential for groundwater contamination at the FMF. Unfortunately, soil and groundwater samples taken from the perimeter of the site revealed petroleum based soil and groundwater contamination. The order the Tribe seeks is necessary to complete the current phase of soil and groundwater testing, which is designed to identify – or rule out – the FMF as the source of the contamination.

II. FACTS RELEVANT TO MOTION/PROCEDURAL POSTURE

In June 2011, the Tribe engaged Applied Engineering and Geology, Inc. ("AEG") to perform a Phase I Environmental Assessment at the Former Mushroom Farm ("FMF"). The purpose of the Phase I assessment was to determine if historical, and possibly current, activities on the FMF could result in contamination that would negatively impact the groundwater supply.

As documented in AEG's Phase I Report, dated August 4, 2011, "numerous obvious and potential sources of contamination to groundwater were identified, and recommendations were made to perform a drilling investigation along with aquifer testing to determine fate and transport of potential chemicals of concern (COCs)." December 19, 2011 AEG Report of Soil and

Groundwater Sampling, Monitoring and Well Installation, and Aquifer Testing: Part I, p. 1 (marked as "Exhibit 2," attached and incorporated by this reference).

Between October 17 and November 16, 2011 AEG conducted drilling investigations around the perimeter of the site, including: the installation of three groundwater monitoring wells in the offsite parking lot to the west (located on Tribal trust land); the collection and analysis of soil and water samples for an extensive suite of chemical and physical properties; and aquifer testing, along with fate and transport analysis. Exh. 2, p. 1. Based on this additional investigation, AEG concluded:

Based on field observations and analytical results, there appears to be a very large plume (> 5 acres) of fuel range petroleum hydrocarbon impacted groundwater that encompasses the entire Site from what appears to be multiple sources. The extent of the plume has not been identified and extends offsite in all directions.

In addition, AEG collected data from and performed aquifer testing in the three groundwater monitoring wells to determine direction of groundwater flow and velocity of the three groundwater monitoring wells is flowing to the northwest at a rate of up to 55 feet per year.

Ex. 2, p. 1. Principal to AEG's conclusions are the positive test results for TPHd and TPHmo contamination in soil and groundwater samples taken from around the perimeter of the FMF, which led AEG to recommend that additional investigation be conducted, to include on-site groundwater and soil sampling and analysis. *See, e.g.* Exh. 2, Figure 4 (map of contaminant analytical results); Exh. 2, p. 19.

While AEG's written report containing the test results was not released until December 19, 2011, counsel for the Tribe was verbally advised of those test results immediately prior to the Court's December 6, 2011 status conference. Prior to the hearing, defense counsel was advised of the test results and further advised that the Tribe would provide a written report containing those results by the middle of the month. *See, e.g.* Exh. 1, p. 4. At that hearing, the Tribe

advised the Court of the pending test results, and further advised the Court that would be pursuing additional testing, to include collection of on-site soil and groundwater samples. Exh. 1, p. 4. Counsel for the Tribe cautioned that, if unable to reach agreement with the Property Owners regarding on-site access, the Tribe would be required to seek an order compelling the Property Owners to provide on-site access. Exh. 1, p. 20. In response, the Court advised counsel of its strong preference that issues of site access for be resolved by agreement. Exh. 1, p. 20-26.

By letter dated February 8, 2012, the Tribe provided defendants' counsel with a proposed schedule for both on-site and offsite testing. See February 8, 2012 Letter (marked as "Exhibit 3," attached, and incorporated by this reference). Given the complexity associated with securing drillers, County right of way access permits, etc., the February 8, 2012 letter requested that defendants respond to the proposed schedule by February 15, 2012. Exh. 3, p. 2. By letter dated February 16, 2012, counsel for the Tribe provided defense counsel a copy of AEG's proposed "Workplan for Offsite Well Installation and Onsite Soil and Groundwater Sampling," and again requested that defendants agree to allow for identification of boreholes on site on February 27, 2012. The February 16, 2012 letter also advised "if we do not have an affirmative answer [regarding site access] by close of business tomorrow, Friday February 17, we will be moving the Court for an Order to enter the property." February 16, 2012 letter from Mandi Isbell to George McGill (marked as "Exhibit 4," attached, and incorporated by this reference).

On February 22, 2012, the parties were finally able to agree upon the terms of a proposed order allowing site access to locate boreholes on February 27, 2012. The Court signed and entered the order on February 23, 2012. AEG has reported that the boreholes were successfully sited on February 27, 2012.

On March 19, 2012 counsel for the Tribe contacted defense counsel to determine whether defendants will agree to allow access for the remainder of the onsite testing, scheduled to occur from March 26, 2012 through April 6, 2012, excluding weekends. During the March 19, 2012, defense counsel, for the first time, objected to the proposed borehole testing because AEG had not sought and obtained permits from the San Diego County Department of Environmental Health to dig test wells. See Declaration of Mandi Isbell, p. 2 (marked as "Exhibit 5," attached and incorporated by reference).

III. ARGUMENT

Defendants have requested that the Court reconsider its prior ruling on jurisdiction. In response, the Tribe has requested to conduct discovery on jurisdictional issues, to include investigation of groundwater contamination originating from the site. At considerable expense, the Tribe has retained certified geologists to conduct an environmental site assessment according to industry standards. Those investigations have thus far revealed petroleum-based contamination around the perimeter of the FMF, which, according to industry standards, warrant further investigation, including on-site sampling.

Defendants, through their counsel, have feigned to this Court a willingness to agree to on-site testing. However, defendants chose to wait until the last possible minute to object to the proposed on-site borehole testing for lack of County-issued permits. Defendants' position concerning the County's jurisdiction is not well taken.

In one of the many collateral cases involving this jurisdictional dispute, San Diego County was joined as a defendant and advised the San Diego Superior Court of its position that the Tribe has land use jurisdiction over the FMF, to the exclusion of the County. Cross-Defendant County of San Diego's Notice of Joinder and Joinder in Cross-Defendant Rincon

Band of Luiseno Mission Indians' Motion to Dismiss (marked as "Exhibit 6," attached and incorporated by this reference); Transcript of July 17, 2009 hearing, p. 24 (marked as "Exhibit 7," attached and incorporated by this reference). Until recently, defendants shared the County's view. For instance, in prior testimony before this Court, Defendant Marvin Donius admitted to not seeking County permits for land use activities on the site because, in his view, the County did not have jurisdiction over the FMF. It is clear at this point that Defendants are playing a jurisdictional shell game to avoid the assertion of land use jurisdiction by *any* governmental authority.

Absent an order compelling site access, Defendant's refusal to agree to on-site testing will undermine the considerable planning and expense associated with securing a driller's services, including the lapse of County-issued, temporary right of way access permits. Additionally, failure to secure site access for the long-proposed drilling and sampling dates will inevitably result in additional delay of the jurisdictional hearing.

Because the County may have criminal jurisdiction over activities giving rise to the soil and groundwater contamination present at the FMF, the Tribe intends to notify the County of San Diego Board of Supervisors through its Tribal Liaison of the proposed on site testing, including provision of the AEG workplan. However, the Tribe shares the County's view that the Tribe has civil regulatory jurisdiction over the site to the exclusion of the County. In this instance, governmental approval for the testing should come in the form of an order of this Court compelling on-site access for the purpose of performing testing pursuant to the AES Workplan.

Respectfully submitted this 20th Day of March, 2012.
CROWELL LAW OFFICES



Scott Wheat
Scott Crowell

DECLARATION OF SERVICE

I, the undersigned, declare: I am a Certified Paralegal employed by Crowell Law Offices, attorneys representing the Rincon Band of Luiseno Indians in this action. I am over the age of 18 and not a party to this action. My business address is 10 N. Post, Ste. 445, Spokane, WA 99201.

On March 20, 2012 I served the **MEMORANDUM IN SUPPORT OF MOTION FOR ORDER COMPELLING SITE ACCESS** on the interested parties in this action identified below by placing the original or a true copy thereof in a sealed envelope addressed as follows:

[X] BY EMAIL: I caused such document(s) to be delivered by email to: glawgem@aol.com the email addresses of legal counsel for the Defendants in this action as listed above.

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I declare that the foregoing is true and correct.



Wyandi Isbell
Paralegal
Crowell Law Offices
Attorneys for Petitioner

EXHIBIT 1



APPLIED ENGINEERING AND GEOLOGY, INC.

Engineers • Environmental Assessors • Geologists

578 E Street, Lincoln, California 95648

916.645.6014 Telephone

www.aegEngineers.com



Report of Soil and Groundwater Sampling, Monitoring Well Installation, and Aquifer Testing

Site:

Former Rincon Mushroom Farm

APN 133-180-020

33777 Valley Center Road

Valley Center, San Diego County, California

Prepared for:

Rincon Band of San Luiseno

Indians

P.O. Box 68

Valley Center, California 92082

DECEMBER 19, 2011

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1.0 SUMMARY

In June 2011, Applied Engineering and Geology, Inc. (AEG) was contracted by the Rincon Band of San Luiseno Indians (Band) to perform a Phase I Environmental Site Assessment (Phase I) of the Former Mushroom Farm (Site), a 5 +/- acre parcel of land located at 33777 Valley Center Road, Valley Center, San Diego County, California.

The Phase I was prepared at the request of the Band to determine if historical, and possibly current, activities could result in contamination that would negatively impact the groundwater supply in the vicinity of the Site. As documented in AEG's Phase I, dated August 4, 2011, numerous obvious and potential sources of contamination to groundwater were identified, and recommendations were made to perform a drilling investigation along with aquifer testing to determine fate and transport of potential Chemicals of Concern (COCs). The Band concurred.

To confirm the presence and distribution of these COCs, a total of 24 boreholes and three groundwater monitoring wells were advanced, to depths ranging from 10 to 28 feet, to collect soil and groundwater samples for laboratory analysis. These analyses included an extensive suite of analytes for both chemical and physical properties. Sampling was restricted due to numerous boreholes around the perimeter of the Site encountered refusal or not producing sufficient water to sample at total depth. No investigation could be performed on the actual Site due to access restrictions.

AEG also attempted to evaluate fate and transport of these analytes in both the saturated and unsaturated zone. Due to access restriction and distribution of detected analytes, additional investigation and monitoring will be necessary prior to completing the fate and transport modeling.

Based on field observations and analytical results, there appears to be a very large plume (>5 acres) of fuel range petroleum hydrocarbon impacted groundwater that encompasses the entire Site from what appears to be multiple sources. The extent of the plume has not been defined and extends offsite in all directions.

In addition, AEG collected data from and performed aquifer testing in the three groundwater monitoring wells to determine direction of groundwater flow and velocity. Groundwater in the vicinity of the three groundwater monitoring wells is flowing to the northwest at a rate of up to 55 feet per year. Additional onsite and offsite investigation will be required.

2.0 INTRODUCTION

AEG was contracted by the Band to implement the recommendations of the *Phase I Environmental Site Assessment* (Phase I), dated August 4, 2011 for the Site identified as Assessor's Parcel Number (APN) 133-180-020, a 5 +/- acre parcel located at 33777 Valley Center Road, Valley Center, San Diego County, California 92082 (see Figure 1). As documented in AEG's Phase I, numerous obvious and potential sources of contamination to groundwater were identified (see Figure 2), and recommendations were provided to perform the following additional investigations:

- Performing a drilling investigation around the perimeter of the Site;
- Installing three groundwater monitoring wells in the offsite parking lot to the west;
- Collecting and analyzing soil and water samples for an extensive suite of chemical and physical properties; and,
- Performing aquifer testing, along with fate and transport analysis.

The fieldwork portion of this investigation was performed between October 17 and November 16, 2011.

3.0 SITE DESCRIPTION

3.1 Physical Description

The Site consists of approximately 5-acres located at 33777 Valley Center Road, Valley Center, San Diego County, California 92082. The Site is privately held fee land that lies within the Rincon Band of San Luisefo Indians Reservation (Reservation). The Site is rectangular in shape with dimensions of approximately 370 feet (east-west) by 595 feet (north-south) (see Figures 1 and 2). The Site and immediate surrounding property is relatively flat. Beyond the relatively flat region, the terrain becomes more mountainous. Additionally, precipitation surface drains to the west and northwest. Surface water on the Site appears to drain in different directions on different parts of the Site; however, there are storm gutters along the south and southeast sides of the Site that appear to channel the surface water to the southeast corner of the Site.

No utilities were observed on the Site; however, overhead electrical lines run along the west and north sides of the Site and communication lines appear to run under Valley Center Road to the west of the Site. Based on discussions with area residents, the Site does have a septic system; however, the exact location could not be determined.

Based on interviews with representatives from Water Quality Specialists of San Diego, Inc., the drinking water source for the Band, and area residents, is primarily supplied by private domestic wells, and residential wastewater is primarily disposed of through septic systems, in the vicinity of the Site. The Harrah's Rincon Casino, northwest of the Site, disposes of its wastewater through a dedicated waste water treatment plant, located approximately 2,000 feet northwest of the Site.

The surface of the Site is comprised of soil on the north half and asphalt and concrete on the south half.

At the time of the Site inspection, July 6, 2011, the Site was fenced on all sides. Two vehicle access points were observed on the west side of the Site opening onto Valley Center Road. There are two structures on the Site, that appear to be completed modular structures; as well as, 11 pieces of modular

structures that have not been assembled, approximately six recreational vehicles (RVs), up to four cargo containers of various lengths, approximately 10 automobile and semi-tractor pulled trailers, up to three semi-tractor cabs, and at least four cars. There are also miscellaneous debris and storage areas throughout the Site. The current use of the Site appears to be a residence and industrial storage.

3.2 Geology / Hydrogeology

The Site is located in the southernmost portion of the Pauma Valley, located in the Santa Ana Mountains. The Pauma Valley is underlain by surficial sediments consisting of alluvium and colluvium materials which are underlain by bedrock.

The bedrock that underlies the alluvium and colluvium; as well as, what is exposed in the Santa Anna Mountain ranges, to the east and west of the Site, is mainly composed of sedimentary and igneous bedrock of Cretaceous to Jurassic geologic age, although some metasedimentary bedrock is also present. The bedrock within the Santa Ana Mountains formed northwest-southeast trending ranges and alluvium-filled valleys as part of global tectonic events.

Bedrock of the Cretaceous geologic age is identified as granitic rocks and basic intrusive rocks by the California Division of Mines and Geology (CDMG) (1965). The granitic rocks are characterized as tonalite and diorite. The basic intrusive rocks are characterized as gabbro.

Bedrock of the Jurassic geological age is identified as marine sedimentary and metasedimentary rocks; as well as, metasedimentary rocks by the CDMG (1965). The marine sedimentary and metasedimentary rocks are characterized as interbedded metashale, slate, quartzite, graywacke, local conglomerate, and limestone. Metasedimentary rocks are characterized as interbedded schist, local amphibolite, and gneiss.

The subsurface geology encountered during the placement of boreholes and wells for this investigation was predominantly coarse grained sedimentary soils. Based on the borehole logs, the subsurface geology is predominantly interbedded layers of fine, medium, and coarse grained alluvium deposited sands originating from the erosion of the surrounding hills during what appears to be high energy deposits. Minor lenses of fine grained material were also encountered. These minor lenses were encountered infrequently, are minimal in thickness, and do not appear to be continuous.

The primary aquifers are found in the alluvium. Groundwater within bedrock generally occurs in secondary porosity associated with near surface fracturing. Groundwater was encountered between 11.4 and 13.0 feet below ground surface (bgs) on November 16, 2011 in the offsite groundwater monitoring wells west of the Site. These monitoring wells are installed in the alluvium. The direction of groundwater flow on November 16, 2011 was North 44° West with a calculated gradient of 0.005 feet per foot.

Surface water features that occur on or adjacent to the Reservation include the San Luis Rey River which traverses through the center of the Reservation. The confluence of Yuima Creek and the San Luis Rey River is located to the north of the Reservation. The confluence of Cedar Creek and the San Luis Rey River is located to the south of the Reservation.

Stormwater runoff flows towards the San Luis Rey River. Yuima Creek and Cedar Creek flow west toward the San Luis Rey River. The San Luis Rey River flows to the north through the Reservation. North of the Reservation, the San Luis Rey River bends sharply to the west on its outlet path towards the Pacific Ocean.

3.3 Site Use and History

Based on information developed to prepare the Phase 1, the Site was undeveloped through 1975, and the first development occurred between 1975 and 1989. During this time span, two buildings were built on the southern half of the Site. No additional construction is apparent from 1989 through 2005. Between 1995 and 2005, the Site appears to have been used for industrial storage and other commercial uses. During 2007, a wildfire

destroyed both of the structures and most of the other property on the Site.

Historically the Site has been used as a mushroom farm, citrus fruit packing facility, and also contained apartments.

3.4 Adjoining Site Use and History

The properties immediately south, east, and north of the Site are either empty parcels (south) or residences (east and north). Although the parcel to the east currently supports several single family residences, it appears to have been used for commercial/industrial uses in the past, including raising poultry and building cabinets. To the west of the Site is Harrah's Rincon Casino. The Casino was built between 1996 and 2002, and includes a large hotel and wastewater treatment facility.

Based on information developed to prepare the Phase 1, there have been limited agricultural activities in the vicinity of the Site since the 1950's. There may have been a chicken farm on the property to the east of the Site during the 1970's and a wood products company in 1988. Significant development of the area did not begin until the 1980's.

4.0 SOIL AND GROUNDWATER INVESTIGATION

AEG was onsite between October 17 and November 16, 2011 to perform a soil and groundwater investigation as proposed in AEG's *Workplan for Soil and Groundwater Sampling, Monitoring Well Installation, and Aquifer Testing* (Workplan), dated August 9, 2011. The Workplan was approved by the Band on September 20, 2011.

Tribal approval was received to place the boreholes along the north, east, and south side of the Site and in the casino parking lot. Because several of the boreholes were placed in the Valley Center Road right of way, an encroachment permit was secured from the County of San Diego Department of Public Works.

4.1 Perimeter Borehole Investigation

A total of 24 boreholes were advanced, to depths ranging from 10 to 28 feet, for the collection of soil and groundwater samples. The analysis performed at each sample location is shown in Table 1. A discussion of the installation of the monitoring wells is included in Section 4.2.

4.1.1 Borehole Locations

The borehole locations are shown on Figure 3 and are described in Table 2. The proposed boreholes B-5, B-8, and B-9 were not drilled due to conflicts with underground utilities and time constraints resulting from adverse drilling conditions.

4.1.2 Drilling Procedures

AEG was onsite from October 17 through 22, 2011 to oversee the drilling of the boreholes at the Site. Both direct push and auger drilling methods were used to place the boreholes. Of the 24 boreholes, 13 were drilled by direct push and 11 were drilled by augers. The direct push boreholes were continuously cored unless otherwise noted in the borehole logs (see Appendix B).

While advancing the boreholes, the Supervising Rig Engineer (SRE) was onsite observing the work and compiling a record of events as they occurred. The SRE monitored the air using a photo ionization detector (PID) to detect the presence of volatile hydrocarbons and recorded approximate depths of observations.

All parts of the equipment that went into the ground were pressure washed with clean water prior to the rig coming onsite and washed again before starting each new borehole. All water used for decontamination was temporarily stored in 55-gallon Department of Transportation (DOT) approved drums, until disposed of at the Harrah's Rincon Waste Water Treatment Facility. Drill cuttings were also placed in 55-gallon DOT approved drums and remains the property of the Client.

Following the collection of soil and groundwater samples, each borehole was grouted to within one half to two feet of the surface using a bentonite grout. The remaining space in the borehole was filled with either native sand or asphalt, to match the surrounding surface.

Boreholes B-2, B-2new, B-3soil, B-12, B-14soil, B-15soil, B-15refusal, and B-18refusal encountered refusal while drilling which prevented soil and/or groundwater samples from being collected from these boreholes. It should be noted that boreholes B-4 and B-7 were dry when total depth was reached, which prevented groundwater samples from being collected.

Flowing sands were encountered during drilling activities. Due to the soils heaving into the drilling rods and augers, it was not possible to collect both soil and water samples from the same borehole, while drilling with augers, without injecting water into the borehole. Therefore; separate boreholes were used to collect the soil and groundwater samples at those locations where auger drilling was used.

4.1.3 Soil Sampling

Most of the boreholes were continuously cored, with the soil cores contained in plastic liners, during drilling for geologic classification purposes. The SRE recorded sample depths and other information acquired during the drilling, including a description of the soil and its Unified Soil Classification System (USCS) symbol. Each sample was examined visually and with a photo ionization detector (PID) to determine the presence of volatile hydrocarbons or other obvious types of contamination. Since no obvious evidence of contamination in the soil samples were observed, and no PID readings were above zero, the soil samples retained for laboratory analysis were collected from the top of the water table, or as close to the water table as the borehole extended.

Table 1: Borehole Analysis Summary									
Sample Name	TPHg, BTEX, 7 Oxyg., Full List VOCs	TPHd and TPHmo	SVOCs	CAM 17 Metals	Chlorinated Herbicides	Organochlorine Pesticides	Organophosphorus Pesticides	Coliform: Total, Fecal, E.coli	General Minerals
Soil Samples									
B-1@17'	X	X	X	X	X	X	X	X	
B-2@14'	X	X	X	X	X	X	X		
B-3@8'	X	X	X	X	X	X	X		
B-4@16'	X	X	X	X	X	X	X		
B-4@18'	X	X	X	X	X	X	X		
B-6@18'	X	X	X	X	X	X	X	X	
B-7@16'	X	X	X	X	X	X	X		
B-10@18'	X	X	X	X	X	X	X		
B-11@18'	X	X	X	X	X	X	X		
B-12@15'	X	X	X	X	X	X	X		
B-13@18'	X	X	X	X	X	X	X	X	
B-14@14'	X	X	X	X	X	X	X		
B-15@8'	X	X	X	X	X	X	X		
B-16@18'	X	X	X	X	X	X	X	X	
B-17@17'	X	X	X	X	X	X	X	X	
B-18@17'	X	X	X	X	X	X	X		
Groundwater Samples									
B-1	X	X	X	X	X	X	X		X
B-3 new	X	X	X	X	X	X	X	X	X
B-6	X	X	X	X	X	X	X	X	X
B-10	X	X	X	X	X	X	X		
B-11	X	X		X				X	X
B-13	X	X	X	X	X	X	X	X	X
B-14	X	X	X	X	X	X	X	X	X
B-15	X	X	X	X	X	X	X		
B-16	X	X	X	X	X	X	X	X	X
B-17	X	X	X	X	X	X	X	X	X
B-18	X	X	X		X	X	X		

X = Sample analyzed for constituent/chemical/material/organism/property as shown

Note: Samples B-10@5', 9', 14', 18' and B-18@5', 10', 17', 23' were collected and analyzed for Geotechnical analysis

Note: Sample Decon Water was analyzed for TPHg, TPHd, TPHmo, BTEX, and CAM 17 Metals

Note: Samples MW-1@15', MW-2@16', and MW-3@15' analyzed for TPHg, TPHd, TPHmo, BTEX, and CAM 17 Metals

Note: Samples MW-1, MW-2, and MW-3 were analyzed for TPHg, TPHd, TPHmo, BTEX, 7 oxyg., and CAM 17 Metals

Table 2: Borehole Locations and Details					
Borehole	Location	Drilling Method	Soil Samples Collected	Water Samples Collected	Notes
B-1	Southwest corner of Site	Direct Push	Yes	Yes	None
B-2	West side of Site, north of B-1	Direct Push	Yes	No	Refusal at 16'
B-2new	Approximately 8 feet east of B-2	Direct Push	No	No	Refusal at 16'
B-3soil	West side of Site, north of B-2	Direct Push	Yes	No	Refusal at 11'
B-3water	West side of Site, north of B-3soil	Auger	No	Yes	No soil retained or logged
B-4	West side of Site, north of B-3water	Direct Push	Yes	No	Hole dry at total depth
B-6	Northwest corner of Site, north of B-4	Direct Push	Yes	Yes	None
B-7	North side of Site, east of B-6	Direct Push	Yes	No	Hole dry at total depth
B-10water	East side of Site, north of B-11	Auger	No	Yes	No soil retained or logged
B-10soil	Approximately 7 feet south of B-10water	Auger	Yes	No	None
B-11soil	East side of Site, north of B-12	Direct Push	Yes	No	Hole dry at total depth
B-11water	Approximately 5 feet north of B-11soil	Direct Push	No	Yes	No soil retained or logged
B-12	East side of Site, north of B-13	Direct Push	Yes	No	Refusal at 17'
B-13	East side of Site, north of B-14	Direct Push	Yes	Yes	None
B-14soil	East side of Site, north of B-15	Direct Push	Yes	No	Refusal at 17'
B-14water	Approximately 5 feet north of B-14soil	Auger	No	Yes	No soil retained or logged
B-15soil	Southeast corner of Site, northeast of B-16	Auger	Yes	No	Refusal at 11'
B-15refusal	Approximately 8 feet north of B-15soil	Auger	No	No	Refusal at 11'
B-15water	Approximately 35 feet northeast of B-15soil	Auger	No	Yes	No soil retained or logged
B-16	South side of Site, east of B-17	Direct Push	Yes	Yes	None
B-17	South side of Site, east of B-18	Direct Push	Yes	Yes	None
B-18water	South side of Site, east of B-1	Auger	No	Yes	No soil retained or logged
B-18refusal	Approximately 6 feet south of B-18water	Auger	No	No	Refusal at 10'
B-18soil	Approximately 8 feet west of B-18water	Auger	Yes	No	None

All soil samples retained for analysis remained in their plastic liner or stainless steel tube, had their ends trimmed, were covered with Teflon® tape, plastic caps, and wrapped with tape. The samples were then be labeled, stored in a chilled ice chest, and transported under strict chain-of-custody for analysis by Kiff Analytical, LLC, 2795 Second Street, Suite 300, Davis, CA 95616 (a State of California certified analytical laboratory). Samples were transferred to a Kiff courier at the Site. Soil samples retained for analysis were analyzed as shown in Tables 1 and 3. Additionally, soil samples collected from two of the boreholes (B-10 and B-18) at several depths were analyzed for physical soil properties (moisture content, dry density, carbon content, porosity, and specific gravity). Chemical analysis results for borehole soil sample are shown in Table 4 and soil physical property analytical results are shown in Table 5.

The laboratory analytical reports are included in Appendix C.

Several of the samples collected from the boreholes were not preserved properly by the laboratory and their temperatures exceeded the allowable range. These samples were still analyzed; however, the results should be considered valid as a minimum value only. The purpose of maintaining the samples at a temperature less than 4 to 6 degrees Celsius is to reduce the possibility of volatilizing hydrocarbons from the sample or allowing hydrocarbon consuming bacteria to biodegrade hydrocarbons. If any volatilization or biodegradation of the hydrocarbons in the samples did occur, then the actual concentration present in the soil and groundwater would be higher than those reported by the laboratory.

Table 3: Analyses Performed on Soil Samples Collected from Boreholes

Analysis	Method	Hold Time
TPHg, BTEX, 7 Oxys, Full List VOCs	EPA 8260B	14 days
TPHd and TPHmo	EPA 8015M	14 days
SVOCs	EPA 8270C	14 days
CAM 17 Metals	EPA 6010B	28 days
Chlorinated Herbicides	EPA 8151A	14 days
Organochlorine Pesticides	EPA 8081A	14 days
Organophosphorus Pesticides	EPA 8141A	14 days
Coliform: Total, Fecal, E.coli	SM 9221	24 hours

TPHg = Total petroleum hydrocarbons as gasoline
 TPHd = Total petroleum hydrocarbons as diesel
 TPHmo = Total petroleum hydrocarbons as motor oil
 BTEX = Benzene, toluene, ethylbenzene, and xylenes
 7 Oxys = Methyl tert butyl ether (MTBE), di-isopropyl ether (DIPE), ethyl tert butyl ether (ETBE), tert amyl methyl ether (TAME), tert butanol (TBA), methanol, and ethanol.
 VOCs = Volatile organic compounds
 SVOCs = Semi-volatile organic compounds
 CAM 17 Metals = Silver, arsenic, barium, beryllium, cadmium, cobalt, chromium, copper, mercury, molybdenum, nickel, lead, antimony, selenium, thallium, vanadium, and zinc.

Arsenic was included in Table 4 because the United States Environmental Protection Agency Region 9, Regional Screening Level (Screening Level) for arsenic in residential soil is 0.39 ppm, which is below the method reporting limit (MRL). None of the other borehole soil samples were reported to contain arsenic above its MRL and were therefore not included in the table. AEG is not aware of a background concentration being established for arsenic at this Site.

Additionally, thallium was reported at a concentration of 1.1 ppm in both B-12@15' and B-16@18' soil samples. Both of these samples exceed the Screening Level of 0.78 ppm for thallium. Thallium was not reported above its MRL in any of the other soil samples analyzed. AEG is not aware

of a background concentration being established for thallium at this Site.

None of the soil samples collected from the boreholes were reported to contain any of the TPHg, seven oxygenates, VOCs, SVOCs, herbicides, pesticides, and coliform analytes analyzed for at concentration above their MRLs. Many of the metals analyzed for were reported present at concentrations above their MRLs; however, aside from arsenic and thallium, none of the metals were reported above their Screening Levels.

Minor concentrations of TPHd and TPHmo were reported in soil samples collected from boreholes on the south side (center), west side (center), and northwest corner of the Site. These samples were collected from depths of 16 to 18 feet bgs.

Table 4: Chemical Analytical Laboratory Results of Soil Samples Collected from Boreholes Only Positive Results are Shown for Hydrocarbon Analyses and Only Arsenic Values are Shown for Metal Analyses. All Results in Parts Per Million (ppm)			
Sample	TPHd	TPHmo	Arsenic
B-4@16'	3.3 ²	12	0.77
B-4@18' ⁴	<1.0	<10	<0.75
B-6@18' ¹	15 ²	130	<0.75
B-7@16'	<1.0	<10	0.78
B-10@18'	<1.0	<10	0.76
B-12@15'	<1.0	<10	1.4
B-13@18'	<1.0	<10	0.88
B-14@14'	<1.0	<10	1.0
B-16@18' ⁴	<1.0	<10	1.4
B-17@17' ⁴	1.3 ³	<10	1.3

TPHd = Total petroleum hydrocarbons as diesel

TPHmo = Total petroleum hydrocarbons as motor oil

¹ Sample B-6@18' is mislabelled as B-16@18' in the laboratory report and on the chain of custody. The time and date match those for sample B-6@18'.

² Laboratory Note: Hydrocarbons are higher-boiling than typical Diesel Fuel.

³ Laboratory Note: Hydrocarbons are higher-boiling than typical Diesel Fuel.

⁴ Sample arrived at the laboratory at a temperature that exceeded the allowable range; results should be considered valid as a minimum value, only.

Table 5: Physical Properties Analytical Laboratory Results of Soil Samples Collected from Boreholes				
Sample	Moisture Content ¹ (% by Mass)	Dry Bulk Density ¹ (g/cc)	Organic Content ² (% by Mass)	Specific Gravity ³
B-10@5'	17.3	1.55	0.3	2.79
B-10@9'	3.1	1.71	0.2	2.72
B-10@14'	17.0	1.57	0.2	2.73
B-10@18'	12.8	1.91	0.3	2.77
B-18@5'	5.5	1.46	2.8	2.71
B-18@10'	4.5	1.78	0.2	2.73
B-18@17'	11.6	1.94	0.2	2.73
B-18@23'	15.4	1.79	0.4	2.72

¹Analyzed by ASTM 2937

²Analyzed by ASTM D2974-87

³Analyzed by ASTM D854-98

4.1.4 Groundwater Sampling

After each borehole had been advanced to total depth, AEG attempted to collect a groundwater sample. As shown in Table 2, AEG was unable to collect groundwater samples from several of the boreholes due to the boreholes either being too shallow (encountered refusal) or not producing enough water to collect a sample. Samples were collected using 1/4-inch diameter tubing with a check valve located at the bottom and disposable bailers.

All groundwater samples were placed in the appropriate containers and preserved with the appropriate preservatives. Groundwater samples were stored in a chilled ice chest and transported under strict chain-of-custody to Kiff Analytical, LLC for analysis. Samples were transferred to a Kiff courier at the Site. Groundwater samples were analyzed as shown in Table 6. Groundwater contaminant analytical results are shown in Tables 7 and 8. The laboratory analytical reports are included in Appendix C.

Table 6: Analyses Performed on Water Samples Collected From Boreholes		
Analysis	Method	Hold Time
TPHg, BTEX, 7 Oxy's, Full List VOCs	EPA 8260B	14 days
TPHd and TPHmo	EPA 8015M	14 days
SVOCs	EPA 8270C	7 days
CAM 17 Metals	EPA 6010B	24 hours
General Minerals	Various	24 hours
Chlorinated Herbicides	EPA 8151A	7 days
Organochlorine Pesticides	EPA 8081A	7 days
Organophosphorus Pesticides	EPA 8141A	7 days
Coliform: Total, Fecal, E.coli	SM 9221	24 hours

- TPHg = Total petroleum hydrocarbons as gasoline
 TPHd = Total petroleum hydrocarbons as diesel
 TPHmo = Total petroleum hydrocarbons as motor oil
 BTEX = Benzene, toluene, ethylbenzene, and xylenes
 7 Oxy's = Methyl tert butyl ether (MTBE), di-isopropyl ether (DIPE), ethyl tert butyl ether (ETBE), tert amyl methyl ether (TAME), tert butanol (TBA), methanol, and ethanol.
 VOCs = Volatile organic compounds
 SVOCs = Semi-volatile organic compounds
 CAM 17 Metals = Silver, arsenic, barium, beryllium, cadmium, cobalt, chromium, copper, mercury, molybdenum, nickel, lead, antimony, selenium, thallium, vanadium, and zinc.

Table 7: Analytical Laboratory Results of Water Samples Collected From Boreholes Only Positive Results are Shown All Results in Parts Per Billion (ppb)			
Sample	TPHg	TPHd	TPHmo
B-1 ³	85 ⁶	1,600 ¹	760
B-3 new ³	<50	480 ²	580
B-6	<50	78	<100
B-10	<50	53 ⁴	<100
B-11 ³	<50	400 ³	250
B-13	<50	470 ⁴	100
B-14	<50	1,700 ⁴	490
B-15	<50	540 ⁴	<100
B-16 ³	<50	150	<100
B-17 ³	<50	440 ⁷	<100
B-18	<50	310 ⁴	<100

TPHg = Total petroleum hydrocarbons as gasoline

TPHd = Total petroleum hydrocarbons as diesel

TPHmo = Total petroleum hydrocarbons as motor oil

¹ Laboratory Note: Discrete peaks, higher boiling hydrocarbons present, atypical for Diesel Fuel.

² Laboratory Note: Hydrocarbons are higher-boiling than typical Diesel Fuel.

³ Laboratory Note: Unusual pattern.

⁴ Laboratory Note: Discrete peaks in Diesel range, atypical for Diesel Fuel.

⁵ Sample arrived at the laboratory at a temperature that exceeded the allowable range; results should be considered valid as a minimum value only.

⁶ Laboratory Footnote: Primary compounds not found in typical gasoline.

⁷ Laboratory Footnote: Discrete peaks in Diesel range, atypical for Diesel fuel.

Table 8: Metals Laboratory Results of Water Samples Collected From Boreholes Only Select Metals are Shown All Results in Parts Per Million (ppm)					
Sample	Arsenic	Barium	Beryllium	Total Chromium	Lead
MCL	0.01	2	0.004	0.1	0.015
B-1 ¹	<0.015	0.45	<0.001	0.023	<0.0050
B-3 new ¹	<0.015	2.8	0.0032	0.045	0.042
B-6	<0.01	0.955	<0.010	0.191	<0.01
B-10	<0.015	1.6	0.0022	0.025	0.014
B-11 ¹	<0.015	0.048	<0.001	0.027	<0.0050
B-13	<0.01	3.86	<0.010	0.591	0.0195
B-14	<0.01	1.64	<0.010	0.618	<0.01
B-15	<0.015	3.5	0.004	0.034	0.012
B-16 ¹	<0.015	3.3	0.0041	0.044	0.0055
B-17 ¹	<0.015	2.0	0.0014	0.280	<0.0050
B-18	- - -	- - -	- - -	- - -	- - -

- - - = Not analyzed for

MCL = Maximum Contaminant Levels, Region 9 Regional Screening Levels

¹ Sample arrived at the laboratory at a temperature that exceeded the allowable range; results should be considered valid as a minimum value only.

Several of the samples collected from the boreholes were not preserved properly by the laboratory and their temperatures exceeded the allowable range. These samples were still analyzed; however, the results should be considered valid as a minimum value only. The purpose of maintaining the samples at a temperature less than 4 to 6 degrees Celsius is to reduce the possibility of volatilizing hydrocarbons from the sample or allowing hydrocarbon consuming bacteria to biodegrade hydrocarbons. If any volatilization or biodegradation of the hydrocarbons in the samples did occur, then the actual concentration present in the soil and groundwater would be higher than those reported by the laboratory.

Only one of the samples analyzed was reported to contain TPHg at a concentration greater than its MRL. The sample collected from B-1 contained a minor concentration (85 ppb) of TPHg (Note results for this sample should be considered a minimal value).

None of the groundwater samples were reported to contain any of seven oxygenates, VOCs, SVOCs, herbicides, and pesticides analyzed for above their MRLs. Only one groundwater sample (B-11) was reported to contain any coliform bacteria above its MRL. B-11 was reported to contain 130 per 100 milliliters of coliforms, but was not reported to contain either E. coli or fecal coliforms above their MRLs. Of the metals analyzed for, many were reported above their MRLs; however, only those included in Table 8 were reported, or had MRLs, above their Screening Levels. Contaminant analytical laboratory results of water samples collected from boreholes and concentration contours are shown on Figure 4.

Several results for metals, shown in Table 8, were reported to contain concentrations, or had an MRL, above the Screening Levels, AEG is not aware of any background concentrations being established for metals at this Site. Without background concentration data, it is not possible to determine if the metals are naturally occurring. Based on the current data, numerous samples have metal concentrations that exceed their MCLs; however, none of the concentrations appear to be unusually high when compared to the entire set of borehole sample results.

The general mineral analytical results for the borehole groundwater samples were reviewed by AEG; however, none of the results appear to be elevated when compared to the other general mineral results for the Site. Therefore, AEG concluded that the general mineral analytical results did not indicate any additional obvious areas of concern.

4.2 Monitoring Well Installation

AEG installed a total of three groundwater monitoring wells in the south casino parking lot on the west side of Valley Center Road. These wells were installed off the Site due to access restriction to the Site. These wells were installed to allow for certain tests to determine aquifer characteristics (direction of groundwater flow, hydraulic conductivity, and gradient) and to allow for future monitoring, if needed.

4.2.1 Monitoring Well Locations

The monitoring well locations are shown on Figure 3. A description of these locations is as follows:

- MW-1 - Southeast of Harrah's Rincon Casino, along Valley Center Road;
- MW-2 - South of MW-1, along Valley Center Road; and,
- MW-3 - Southwest of MW-1.

4.2.2 Drilling Procedures

AEG was onsite October 20 and 21, 2011 to oversee the drilling and installation of the monitoring wells. A hollow stem auger (HSA) drill rig was used to advance three 8-inch diameter boreholes to total depths of approximately 25 feet bgs. The monitoring well as-built diagram is shown in Figure 5 and the well construction details are shown in Table 9.

While advancing the wells, the SRE was onsite observing the work and compiling a record of events as they occurred. The SRE monitored the air using a PID to detect the presence of volatile hydrocarbons and recorded approximate depths of observations.

All parts of the equipment that went into the ground were pressure washed with clean water prior to the rig coming onsite and washed again before starting each new well. All water used for decontamination was temporarily stored in 55-gallon Department of Transportation (DOT) approved drums, until disposed of at the Harrah's Rincon Waste Water Treatment Facility. Drill cuttings were also placed

in 55-gallon DOT approved drums and remains the property of the Client.

Due to soil conditions at the Site (flowing/heaving sands), it was necessary to inject water into the wells while they were being drilled and constructed. Approximately 35 gallons of potable water was injected into each well during drilling.

Table 9: Monitoring Well Construction Details					
Well Name	Total Depth (ft)	Casing Diameter (in)	Slot Size	Screen Interval (ft)	Filter Pack Interval (ft)
MW-1	25.5	2	0.010	5.5-25.5	4-25.5
MW-2	25.5	2	0.010	5.5-25.5	4-25.5
MW-3	25.4	2	0.010	5.4-25.4	4-25.4

4.2.3 Soil Sampling

Soil samples were collected at five foot intervals during the drilling. Samples were collected through the hollow stem auger by driving a split spoon sampler using a 140 pound drop hammer. All sampling equipment was properly cleaned and rinsed prior to use. Samples were collected in clean 2-inch diameter, 6-inch long stainless steel tubes. Based on PID readings and field observations, none of the soil samples were obviously impacted. Therefore, the soil sample collected from nearest the top of the groundwater table was retained from each borehole for laboratory analysis. All samples retained for analysis had their ends trimmed, were covered with sheets of Teflon® and plastic caps, and were

wrapped with tape. The samples were then labeled, stored in a chilled ice chest, transported under strict chain-of-custody, and submitted to Kiff Analytical, LLC, for analysis. Samples were transferred to a Kiff courier at the Site.

The soil samples were placed on hold at the laboratory pending the analytical results from the borehole samples. Based on the results from the borehole soil sample analyses, the monitoring well soil samples were analyzed for TPHg, TPHd, TPHmo, BTEX, and the CAM 17 metals. Chemical analytical laboratory results of soil samples collected from the monitoring well boreholes are shown in Table 10. The laboratory analytical reports are included in Appendix C.

Table 10: Chemical Analytical Results for Soil Samples Collected from the Monitoring Well Boreholes Only Positive Results are Shown All Results in Parts Per Million (ppm)		
Sample	TPHd	Arsenic
MW-1@15'	6.7	0.98
MW-2@16' ¹	<1.0	1.0
MW-3@15' ¹	<1.0	0.96

TPHd = Total petroleum hydrocarbons as diesel

¹ Sample arrived at the laboratory at a temperature that exceeded the allowable range; results should be considered valid as a minimum value, only.

Arsenic was included in Table 10 because the Screening Level for residential soil is 0.39 ppm, which is below the MRL.

their MRLs; however, aside from arsenic, none of the metals were reported above their Screening Levels.

None of the monitoring well soil samples were reported to contain any of the TPHg, TPHmo, and BTEX analytes analyzed for above their MRLs. Of the metals analyzed for, many were reported above

4.2.4 Monitoring Well Installation

Once each borehole had been advanced to its total depth, it was completed as a 2-inch diameter groundwater monitoring well. All three boreholes were completed with 20 feet of 2-inch diameter schedule 40 PVC well screen, with 0.010 inch slots. The screen was flush threaded to schedule 40 blank PVC casing extending to the surface.

After the screen was positioned at the proper depth, the materials that fill the annular space surrounding the casing were added through the augers. A filter pack of Lonestar® #2/12 sand was placed around the screen to approximately one foot above the top of the screen slots. Following placement of this sand, the well was surged to assure the sand had settled and no voids were in the sand column. Following surging, the depth to top of sand was measured and enough sand was added to again have approximately one foot above the top of the slotted screen.

A bridge of bentonite chips was placed on top of the filter pack and hydrated. The bridge has a thickness of approximately one foot. The remaining annular space of the borehole was sealed with concrete to prevent surface infiltration into the well. This concrete was placed from the top of bridge to the ground surface.

The surface completion of the monitoring wells consists of flush mounted traffic rated road box set in concrete. An as-built schematic of the monitoring wells is presented in Figure 5.

4.2.5 Well Development

AEG was onsite November 15, 2011 to oversee the development of the newly installed monitoring wells. The wells were surged to draw fine materials into the well so they could be removed by pumping. Approximately 330 gallons of water were purged from both MW-1 and MW-3 during their development. Approximately 110 gallons of water were purged from MW-2 during its development. The smaller purge in MW-2 was due to a significantly slower recharge rate (approximately one gallon per minute) than in the other two monitoring wells. The water purged from all three wells had become clear by the end of the development. The water produced by development was discharged to the Harrah's Rincon Waste Water Treatment Facility.

4.2.6 Survey of Boreholes and Monitoring Wells

The "x" and "y" locations of the boreholes and monitoring wells were surveyed during field activities performed October 17 through October 22, 2011 using a GPS unit. The elevations of the monitoring wells were surveyed on November 15, 2011 using a GPS unit and conventional surveying techniques. No benchmarks could be located within a reasonable distance of the Site; therefore, AEG set the elevation of MW-1 using the GPS unit and surveyed the remaining two wells relative to MW-1 using conventional surveying techniques. Prior to surveying the monitoring wells, the top of casing on each monitoring well was notched on the north side. This notch was the point on the casing which was surveyed.

4.3 Monitoring Well Sampling

AEG was onsite November 15 and 16, 2011 to collect groundwater samples from the monitoring wells. A total of six groundwater samples, from three monitoring wells, were collected. The samples collected on November 15 were collected following the development of the wells and the samples collected on November 16 were collected following a traditional three well volume purge of each well.

4.3.1 Groundwater Measurements

Depth to water measurements were collected from all three wells on November 16, 2011 before the wells were purged. The elevation of the groundwater was calculated by subtracting the depth to groundwater in the wells from the elevation of the top of the PVC casing. Groundwater elevation data is shown in Table 11.

Table 11: Groundwater Elevation Data Collected November 16, 2011					
Well	Casing Elevation (ft)	Depth to Water (ft)	Elevation of Water (ft)	Direction of Groundwater Flow	Gradient (ft/ft)
MW-1	861.59	11.77	849.82	North 44° West	0.005
MW-2	863.58	13.00	850.58		
MW-3	861.03	11.40	849.63		

As shown in Figure 6, the averaged direction of groundwater flow on November 16, 2011 was North 44° West with a gradient of approximately 0.005 feet per foot (ft/ft).

4.3.2 Groundwater Sampling

Prior to the collection of groundwater samples, each well was purged of at least three well volumes. The temperature, pH, conductivity, oxidation reduction potential (ORP), total dissolved solids (TDS), and Dissolved Oxygen (DO) of the purge water were measured and recorded. DO levels were collected before purging and again following the collection of groundwater samples. Well purge data sheets are included in Appendix D.

All samples collected were analyzed by EPA Method 8260B for TPHg, BTEX, and 7 Oxygenates; EPA Method 8015M for TPHd and TPHmo; and EPA Method 6010B for the CAM 17 metals. All samples were collected using disposable polyethylene bailers. All groundwater samples were placed in the appropriate containers and preserved with the appropriate preservatives. Groundwater samples were stored in a chilled ice chest and transported under strict chain-of-custody to Kiff Analytical, LLC for analysis. Samples were transferred to a Kiff courier at the Site. Chemical analytical laboratory results for groundwater samples are shown in Table 12 and the laboratory analytical reports are included in Appendix C.

Table 12: Chemical Analytical Results for Groundwater Samples Collected On November 16, 2011				
All Results in Parts Per Billion (ppb)				
Sample	Date	TPHg	TPHd	TPHmo
MW-1	11/15/11	<50	<50	<100
MW-2	11/15/11	<50	220 ¹	120 ²
MW-3	11/15/11	<50	<50	<100
MW-1	11/16/11	<50	<50	<100
MW-2	11/16/11	<50	66 ¹	<100
MW-3	11/16/11	<50	<50	<100

TPHg = Total petroleum hydrocarbons as gasoline

TPHd = Total petroleum hydrocarbons as diesel

TPHmo = Total petroleum hydrocarbons as motor oil

¹Laboratory Footnote: Discrete peaks in Diesel range, atypical for Diesel fuel.

²Laboratory Footnote: Discrete peaks in Motor Oil range, atypical for motor oil.

It should be noted that while none of the monitoring well groundwater samples were reported to contain arsenic above its MRL, the MRL for arsenic is above the Screening Level (MCL of 0.01 ppm) for arsenic.

aquifer testing was to determine the hydraulic conductivity and transmissivity of the subsurface soils that comprise the upper aquifer at the Site. The slug tests were performed by AEG on November 16, 2011.

4.4 Aquifer Testing

Following the development of the monitoring wells, aquifer testing was performed in all three wells using the slug test method. The purpose of the

4.4.1 Slug Test Procedures

The slug tests were performed by pumping each well, using whale pumps, until approximately five well volumes had been purged or the well was dewatered. Then, the rate of recovery versus time was recorded in each well until the water level had returned to approximately equilibrium state. This process was completed twice in each well. Monitoring well data and field data collected during the investigation is presented in Table 13.

Based on a review of the borelogs for the wells tested, AEG has determined that all of the wells are constructed in an unconfined aquifer(s). No obvious aquitard has been observed.

To measure and record the changes in groundwater height, AEG placed pressure transducers in each of the monitoring wells, prior to the tests. The pressure transducers measure and record minor changes in pressure, which can be read in feet of water. Once retrieved, the data was downloaded, evaluated, and analyzed using the computer program Aqtesolv® version 4.5. Transducer data was used to develop graphs displaying groundwater recovery during each test (see Appendix E).

4.4.2 Aquifer Testing Results

AEG used the Unconfined Bouwer-Rice (1976) solution in the computer program Aqtesolv to calculate hydraulic conductivity (K) for each test (see Appendix E). The Unconfined Bouwer-Rice (1976) solution provides a solution for a single well slug test. AEG used the K derived from the aquifer testing along with the hydraulic gradient ($i=0.005$ ft/ft) from the November 16, 2011 sampling event as input to calculate the effective velocity (v_e) and pore velocity (v_p) along with the transmissivity (T) of the aquifer.

The effective velocity (v_e) (a.k.a. Darcy velocity or specific discharge) is defined as the flow averaged over the gross aquifer cross-sectional area. Whereas, the pore velocity (v_p) (a.k.a. lineal velocity) takes into consideration that groundwater is flowing only through the pore area, and not the solid material (i.e. soil particles and rock). The pore velocity is significantly larger than the effective velocity.

In order to calculate v_p , v_e , and T, an assumed aquifer thickness (b) of 100 feet and an assumed effective porosity (n) of 0.3 was used. Data is presented in Table 14.

Table 13: Aquifer Testing Data					
Well/Test	Total Depth (feet)	Screen Length (feet)	Initial Depth to Water (feet)	Total Drawdown (feet)	Time to Equilibrium (min:sec)
MW-1 Test#1	25.06	20.0	11.77	0.31	0:22
MW-1 Test#2	25.06	20.0	11.77	0.27	0:15
MW-2 Test#1	24.18	20.0	13.00	8.28	22:30
MW-2 Test#2	24.18	20.0	13.00	10.14	16:45
MW-3 Test#1	24.98	20.0	11.40	0.78	0:27
MW-3 Test#2	24.98	20.0	11.40	0.80	0:44

Table 14: Results of Slug Test Data Analysis									
Well	Test	K (cm/sec)	K (ft/sec)	Transmissivity (sq. ft/sec)	Avg. K (ft/Sec)	Ve (ft/day)	Ve (ft/year)	Vp (ft/day)	Vp (ft/year)
MW-1	#1	2.38E ⁻³	7.80E ⁻³	7.80E ⁻³	1.04E ⁻⁴	4.49E ⁻²	1.64E ¹	1.50E ⁻¹	5.47E ¹
	#2	3.98E ⁻³	1.31E ⁻⁴	1.31E ⁻²					
MW-2	#1	1.04E ⁻⁴	3.39E ⁻⁴	3.46E ⁻⁴	3.61E ⁻⁴	1.56E ⁻³	5.69E ¹	5.20E ⁻³	1.90
	#2	1.15E ⁻⁴	3.76E ⁻⁴	3.76E ⁻⁴					
MW-3	#1	1.91E ⁻³	6.28E ⁻³	6.28E ⁻³	5.77E ⁻³	2.49E ⁻²	9.10	8.31E ⁻²	3.03E ¹
	#2	1.60E ⁻³	5.24E ⁻³	5.26E ⁻³					

Ve = Effective Velocity

Vp = Pore Velocity

K = Hydraulic Conductivity

A northwest trending gradient of 0.005 ft/ft was obtained from the November 16, 2011 monitoring wells data.

Based on the slug test data, the average hydraulic conductivity of the individual wells ranged from 3.39E⁻⁶ to 1.31E⁻⁴ feet per second (ft/sec). These values are consistent with the rate of recovery observed after conducting the slug tests in each of these wells. The effective velocity of the individual wells ranged from 0.569 to 16.4 feet per year (ft/year) and the pore velocity ranged from 1.90 to 54.7 ft/year.

Hydraulic conductivity tests were also performed on soil samples collected from each well at 15 or 16 feet bgs. Based on analytical results (see Appendix C), their reported permeability (a.k.a hydraulic conductivity) were 3.00E⁻⁴ centimeters per second (cm/sec) for MW-1, 1.97E⁻⁴ cm/sec from MW-2, and 2.52E⁻³ cm/sec for MW-3. These laboratory values are consistent with the slug test values for MW-2 and MW-3; however, the laboratory value for MW-1 is an order of magnitude slower than the slug test value for MW-1. This discrepancy is most likely due to the laboratory value being based on a six inch long soil sample, while the slug test is based on the entire length of the wetted screen of the well.

The hydraulic conductivity value calculated for MW-2 is significantly less than those calculated for MW-1 and MW-3. This matches the well recharge rates that AEG observed during the well development where MW-1 and MW-3 showed only minor drawdown while pumping at approximately five gallons per minute (gpm), but MW-2 could only sustain a flow rate of approximately one gpm.

This data is representative of the hydraulic conductivity that can be expected in the vicinity of each test. This does not preclude there being a

pathway that has a higher rate of flow, but it is representative of the overall area through which the water is flowing.

4.5 Fate and Transport Modeling

AEG has reviewed laboratory and field data collected to complete fate and transport modeling of select hydrocarbon in the vadose and saturated zones.

AEG investigated the potential to model fate of total petroleum hydrocarbons as diesel (TPHd) in the vadose zone using the program V-Leach and data obtained during this investigation. Based on analytical results, the soil around the perimeter of the Site is minimally impacted whereas the groundwater is significantly impacted. This leads one to believe that there is a large mass of hydrocarbons (source) remaining in the vadose zone on the Site. Due to access restrictions, no testing was performed on the Site. Therefore, conducting an accurate transport model of the TPHd mass being transported through the vadose zone to groundwater is not feasible without knowledge of the concentrations of TPHd in soil at the location of the initial release.

AEG was not able to complete accurate modeling of hydrocarbons in groundwater due to uncertainties in the distribution and extent of the plume(s) and a lack of historical monitoring data. With currently available data, a fate and transport model would be based on numerous assumptions, decreasing the accuracy of the model, which could be resolved by knowledge of onsite concentrations. As discussed in Section 4.4.2, groundwater pore velocity at the Site has been calculated, and ranges from 1.9 to 54.7 feet per year. At this rate, contaminants could be transported at velocities as high as 54.7 feet per year. The compound TPHd is a mixture of various chemical components and is often modeled as a combination of these chemical components. Knowledge of the specific contaminants and quantities would also reduce uncertainty in the model as the different chemical component properties affect the rate at which the contaminant travels.

An investigation of the onsite source and a monitoring history will be required to accurately model the Site

5.0 ESTABLISHING ACTION LEVELS

5.1 Jurisdiction

This Site falls within the jurisdiction of Region 9 of the Federal Environmental Protection Agency (EPA). The person at Region 9 that has oversight of Tribal projects in the San Diego area is Ms. Helen McKinnley (415.972.3559).

During a telephone conversation on November 18, 2011, Ms. McKinnley advised that there is no Federal action limit for diesel or motor oil in Region 9. Ms. McKinnley stated that when there is no Federal action limit, tribes are encouraged to establish Tribal action limits, including conducting a Tier 2 Human Health Risk Assessment and consideration of any action limits established by nearby local and state jurisdictions.

5.2 Action Levels

Just because an analyte is detected in soil or groundwater at a site, it does not mean that there is a "threat to human health or the environment". First the concentration of the analyte in question is compared against the appropriate "screening levels" (if one has been established). If the concentration exceeds the screening level (or if no screening level

exists) then it is compared against the "action limit". If there is more than one analyte present or no action limit exists for the analyte (i.e. TPHd on a Federal level), then a Risk Assessment is performed to calculate the associated risk.

Based on AEG's experience and conversations with regulatory agencies, diesel and motor oil range petroleum hydrocarbons are not regulated at a Federal level. Region 9 of the EPA references the Regional Screening Levels (RSLs) (formerly the Preliminary Remediation Goals (PRGs)) to establish screening levels of specific analytes (<http://www.epa.gov/region9/superfund/prg/>). Because Total Petroleum Hydrocarbons as diesel (TPHd) is a compound comprised of a mixture of approximately 160 analytes, it is not listed in the RSLs. Several of the analytes in TPHd were individually analyzed for and not detected.

In addition, numerous analytes are regulated under the EPA's National Primary Drinking Water Standards.

(<http://water.epa.gov/drink/contaminants/index.cfm>)
Once again, the mixture TPHd is not listed.

5.3 State Screening Level and Action Limits

When performing work within the jurisdiction of the State of California, the primary screening tools are the California Environmental Protection Agency's (CalEPA's) California Human Health Screening Levels (CHHLS) and the California Regional Water Quality Control Board, Region 2's Environmental Screening Levels (ESLs).

Once again, the CHHLS do not include a screening level for TPHd. However, the ESLs have a screening level of 100 parts per billion (ppb) for both TPHd and TPHmo in groundwater.

5.3.1 Action Limits for TPHd

The simplest way to establish an Action Limit for TPHd for this Site would be to perform a Tier 2 Human Health Risk Assessment (Risk Assessment). AEG routinely performs this analysis for sites impacted with numerous COCs using the computer software RISC. TPHd is not a known carcinogen, but does impact select organs in the human body. Therefore, a Hazard Quotient (HQ) is calculated instead of a cancer risk. Per EPA:

"EPA expresses noncancer health risk as a ratio, known as the Hazard Quotient (HQ), which is defined as the calculated exposure from a single contaminant in a single medium divided by a reference dose. The reference dose is the level of exposure that EPA believes will not cause adverse affect in human populations, including sensitive individuals. Note that some chemicals may be associated with both carcinogenic as well as noncarcinogenic effects (such as liver or kidney disease); both should be considered when setting the cleanup level. The hazard index (HI) assesses potential for toxicity following exposure to multiple contaminants. It is equal to the sum of the hazard quotients. However, where information is available to identify the critical toxic effect for non-carcinogens, only hazard quotients associated with similar critical effects (target organs) are combined."

To perform a Risk Assessment properly, one must simultaneously evaluate all detected analytes in each media (soil, soil vapor, and groundwater) and how they would apply to each route of entry (i.e. drinking water, inhalation of vapors, dermal contact, etc.) for each receptor (i.e. adult resident, child resident, worker, trespasser).

AEG contacted the Region 9 (San Diego Region) California Regional Water Quality Control Board and was informed that for the purpose of screening, the California Region 2 Environmental Screening Levels (ESLs) are used. The ESL for TPHd (TPH middle distillates) is 100 parts per billion (ppb) for the scenario of residential land use and groundwater used as a drinking water resource.

The highest concentration of TPHd in groundwater at the Site is currently 1,700 ppb in the groundwater sample collected from B-14. If the onsite well is used to supply potable water (drinking and

showering), containing the same concentrations as the water sample collected from borehole B-14, then the water would exceed the California Region 2 ESLs for TPHd by 17 times.

6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

Based on data and field observations obtained during this investigation, AEG concludes the following:

- Offsite soil along the center of the west side, center of the south side and northwest corner of the Site appears to be minimally impacted with petroleum hydrocarbons;
- Offsite soil along the north, east, and south sides of the Site contains elevated levels of arsenic. The background concentration for arsenic for this location has not been established;
- The main analytes present in offsite groundwater is diesel and motor oil range petroleum hydrocarbons;
- The data appears to show that there is a very large plume (>5 acres) of TPHd impacted groundwater that is centered north of the southern property boundary. This data supports that a large release occurred in this area and the extent has not been defined;
- The source of the TPHmo groundwater plume is not known but, could be from surface spills (i.e. leaking parked cars) at the Site or discharges to the onsite dry wells;
- The general direction of shallow groundwater flow in the vicinity of the Site was determined to be to the northwest on November 16, 2011 in the casino parking lot;
- The velocity of shallow groundwater in the vicinity of the Site appears to range from 2 to 55 feet per year;
- There is currently not enough data to perform accurate fate and transport modeling for the Site;
- Additional onsite and offsite investigation will be required to define the extent of the identified groundwater plumes;

- There are no Federal (Region 9) Action Limits established for the petroleum range analytes detected in groundwater during this investigation; and,
- If water contained the same concentrations as the water sample collected from borehole B-14 was used as a domestic source, the water would exceed the California Region 2 ESLs for TPHd by 17 times.

6.2 Recommendations

Based on these conclusions, AEG recommends:

- An investigation be performed to :
 1. determine the extent of contamination present in onsite soil and groundwater, including the onsite domestic well;
 2. define the extent of the contamination plumes that have already migrated offsite; and,
 3. define the background concentrations for select metals in the vicinity of the Site.
- Additional monitoring be performed to collect sufficient data to allow fate and transport modeling be performed and determine changes in groundwater contamination, elevation, and direction of flow over time; and,
- A Tier 2 Human Health Risk Assessment be performed to establish Action Limits of detected analytes in soil and groundwater.

7.0 STATEMENT OF LIABILITY

This Report of Soil and Groundwater Sampling, Monitoring Well Installation, and Aquifer Testing (Report) was prepared by Applied Engineering and Geology, Inc. (AEG), at the request of the Rincon San Luiseno Band of Mission Indians (Band) using the degree of care and skill ordinarily exercised, under similar circumstances, by reputable engineers, geologists, and scientists practicing in this or similar localities in California at the time this Report was prepared.

No other warranty, expressed or implied, is made as to the information and professional advice included in this Report. Any reliance on this Report by third parties shall be at such parties' sole risk.

AEG's Report is based on factual information obtained from the Rincon San Luiseno Band of Mission Indians, and others, that has been assumed to be correct, accurate, and complete. Applied Engineering and Geology, Inc., does not guarantee the correctness, accuracy, or completeness of the data.

This Report or any part thereof may not be reproduced in any form without written permission from Applied Engineering and Geology, Inc., its Principals, or agents. All work performed by AEG will be performed under the direct supervision of the engineer, registered with the State of California, whose signature appears at the end of this document.

Should you have any questions regarding the content of this Report, please contact the undersigned at 916.645.6014.

Sincerely,

APPLIED ENGINEERING & GEOLOGY, INC.


Stephen Lane, PE
Senior Project Manager

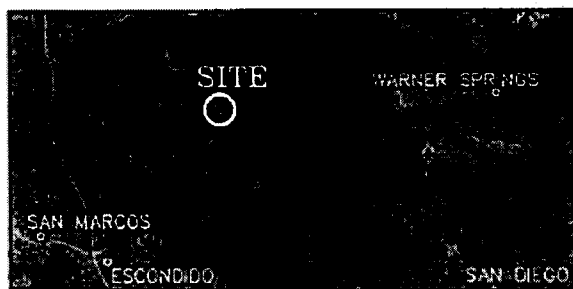
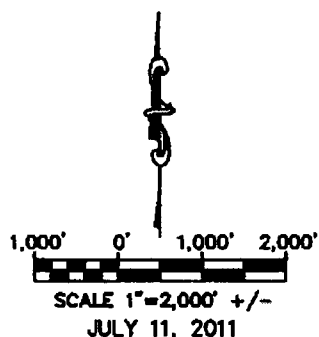



Earl R. Stephens, RCE 45335
Principal Engineer



APPENDIX A

Figures



NOT TO SCALE

M:\EVERYONE\AEG DOCUMENTS\VINCON\VINCON - AEG FIGURES\MUSHROOM FARM SITE VICINITY MAP.DWG (38)

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SITE VICINITY MAP
FORMER RINCON MUSHROOM FARM
 33777 VALLEY CENTER ROAD
 VALLEY CENTER, CALIFORNIA 92802

APPROVAL	DATE
Done	12/09/11
Site	12/09/11

FIGURE 1

LEGEND

- APPROXIMATE LOCATION OF PROPERTY LINE
- AREA OF CONTAMINATION IDENTIFIED BY THE USEPA IN THEIR 2008 INVESTIGATION
- AREA OF CONTAMINATION CLEANED UP BY THE USEPA IN 2008
- AREA OF POTENTIAL CONTAMINATION IDENTIFIED BY AEG DURING THE JULY 6, 2011 SITE INSPECTION

TPH TOTAL PETROLEUM HYDROCARBONS
 TPHd TPH AS DIESEL
 BTEX BENZENE, TOLUENE, ETHYLBENZENE, XYLENES
 7 OXYs 7 OXYGENATES
 VOCs VOLATILE ORGANIC COMPOUNDS
 SVOCs SEMI-VOLATILE ORGANIC COMPOUNDS
 AST ABOVEGROUND STORAGE TANK

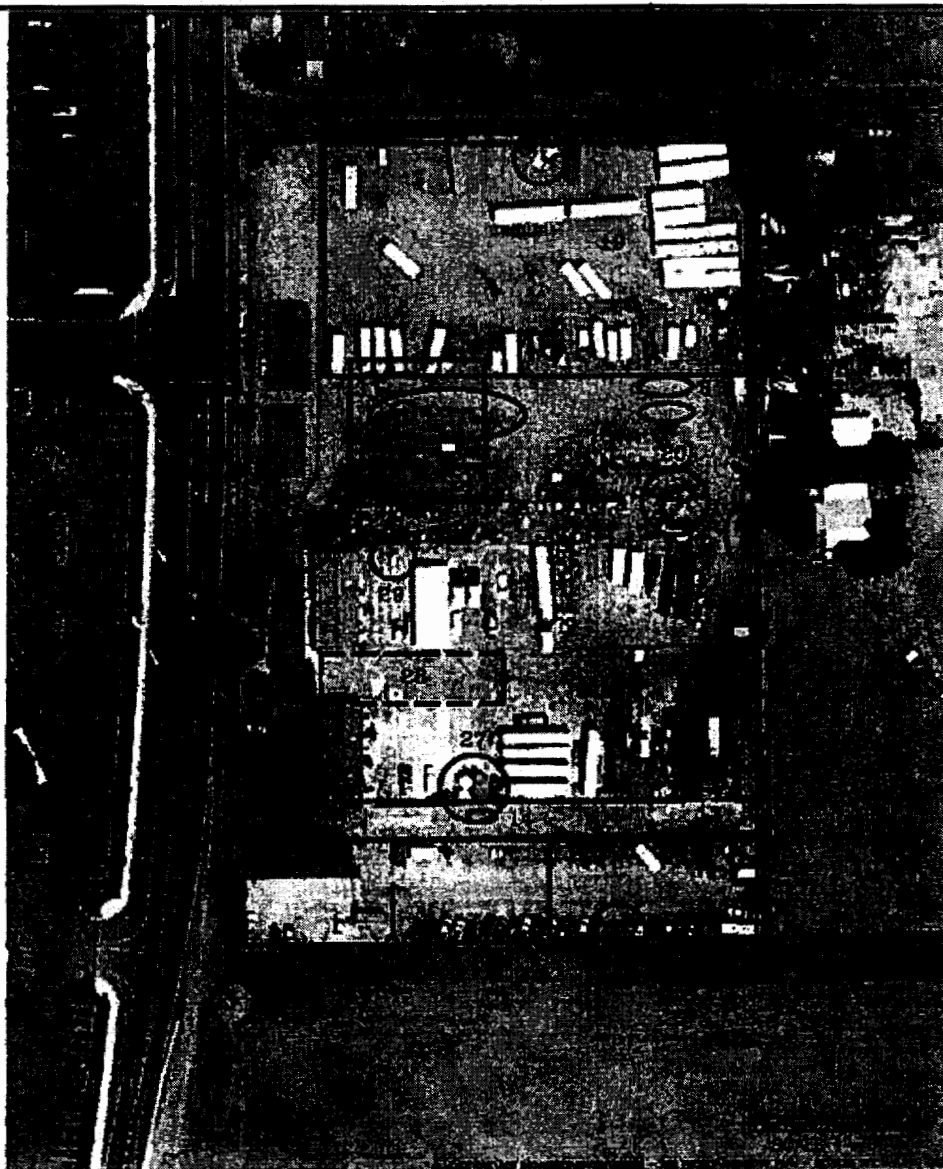
AREA DESCRIPTIONS

- LOCATION DESCRIPTION, YEAR OBSERVED, PROBABLE CONTAMINANTS OF CONCERN OR REASON FOR CONCERN

- 1 - BURNED VEHICLE AREA, 2008, TPH, BTEX, 7 OXYs, AND METALS
- 2 - EPA-ASH 8, 2008, BACKGROUND (NO KNOWN ISSUES)
- 3 - EPA-ASH 8, 2008, METALS
- 4 - ASH PILE, 2008, METALS
- 5 - EPA-ASH 7, 2008, METALS
- 6 - EPA-ASH 5, 2008, METALS
- 7 - CHUNDER-BLOCK RUBBLE, 2008, UNKNOWN
- 8 - EPA-ASH 4, 2008, METALS
- 9 - CONTAMINATED SOIL, 2008, METALS
- 10 - FORMER AST, 2008, TPHd
- 11 - EPA-ASH 3, 2008, METALS
- 12 - WASTE OIL AREA, 2008, TPH, 7 OXYs, VOCs, SVOCs, PESTICIDES, HERBICIDES, METALS
- 13 - EPA-ASH 2, 2008, METALS
- 14 - EPA-ASH 1, 2008, METALS
- 15 - AUTO TOW YARD, 2008, TPH, 7 OXYs, VOCs, SVOCs, METALS
- 16 - CONTAMINATED SOIL, 2008, METALS
- 17 - CONTAMINATED SOIL, 2008, METALS
- 18 - DEBRIS PILE, 2011, UNKNOWN
- 19 - VEHICLE, CARGO CONTAINER, AND MODULAR STRUCTURE STORAGE, 2011, TPH, BTEX, 7 OXYs, METALS
- 20 - DEBRIS PILE, 2011, UNKNOWN
- 21 - POTENTIAL AST/DRUM AND DOMESTIC WELL, 2011, TPH, VOCs, SVOCs, METALS
- 22 - OPEN GRATE, 2011, CONTAMINATION PATH TO GROUNDWATER
- 23 - AST, 2011, TPH
- 24 - DRUMS, 2011, TPH, 7 OXYs, VOCs, SVOCs, PESTICIDES, HERBICIDES, METALS
- 25 - DRUMS, 2011, TPH, 7 OXYs, VOCs, SVOCs, PESTICIDES, HERBICIDES, METALS
- 26 - DRUMS, 2011, TPH, 7 OXYs, VOCs, SVOCs, PESTICIDES, HERBICIDES, METALS
- 27 - ASTs, 2011, UNKNOWN
- 28 - OPEN GRATE, LOCATION COULD NOT BE CONFIRMED, CONTAMINATION PATH TO GROUNDWATER
- 29 - PORTABLE TOILET, 2011, COLIFORM BACTERIA
- 30 - DRUMS, 2011, TPH, 7 OXYs, VOCs, SVOCs, PESTICIDES, HERBICIDES, METALS
- 31 - WASTE OIL AREA, 2008, TPH, 7 OXYs, VOCs, SVOCs, PESTICIDES, HERBICIDES, METALS

NOTES

1. THE BASEMAP IS CREATED FROM A PHOTO TAKEN IN AUGUST 2010. THE BASEMAP DOES NOT REFLECT CURRENT CONDITIONS AT THE SITE.



ONSITE SOURCES OF POTENTIAL CONTAMINATION

FORMER RINCON MUSHROOM FARM

33777 VALLEY CENTER ROAD
 VALLEY CENTER, CALIFORNIA 92802

FIGURE 2

AEG

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APPROVAL	DATE
Issue	12/12/11



LEGEND

- APPROXIMATE LOCATION OF PROPERTY LINE
- APPROXIMATE LOCATION OF BOREHOLE
- ⊙ APPROXIMATE LOCATION OF BOREHOLE WITH SOIL SAMPLES COLLECTED FOR GEOTECHNICAL PROPERTIES ANALYSIS
- ✦ APPROXIMATE LOCATION OF MONITORING WELL

NOTES

1. THE BASEMAP IS CREATED FROM A PHOTO TAKEN IN AUGUST 2010. THE BASEMAP DOES NOT REFLECT CURRENT CONDITIONS AT THE SITE.

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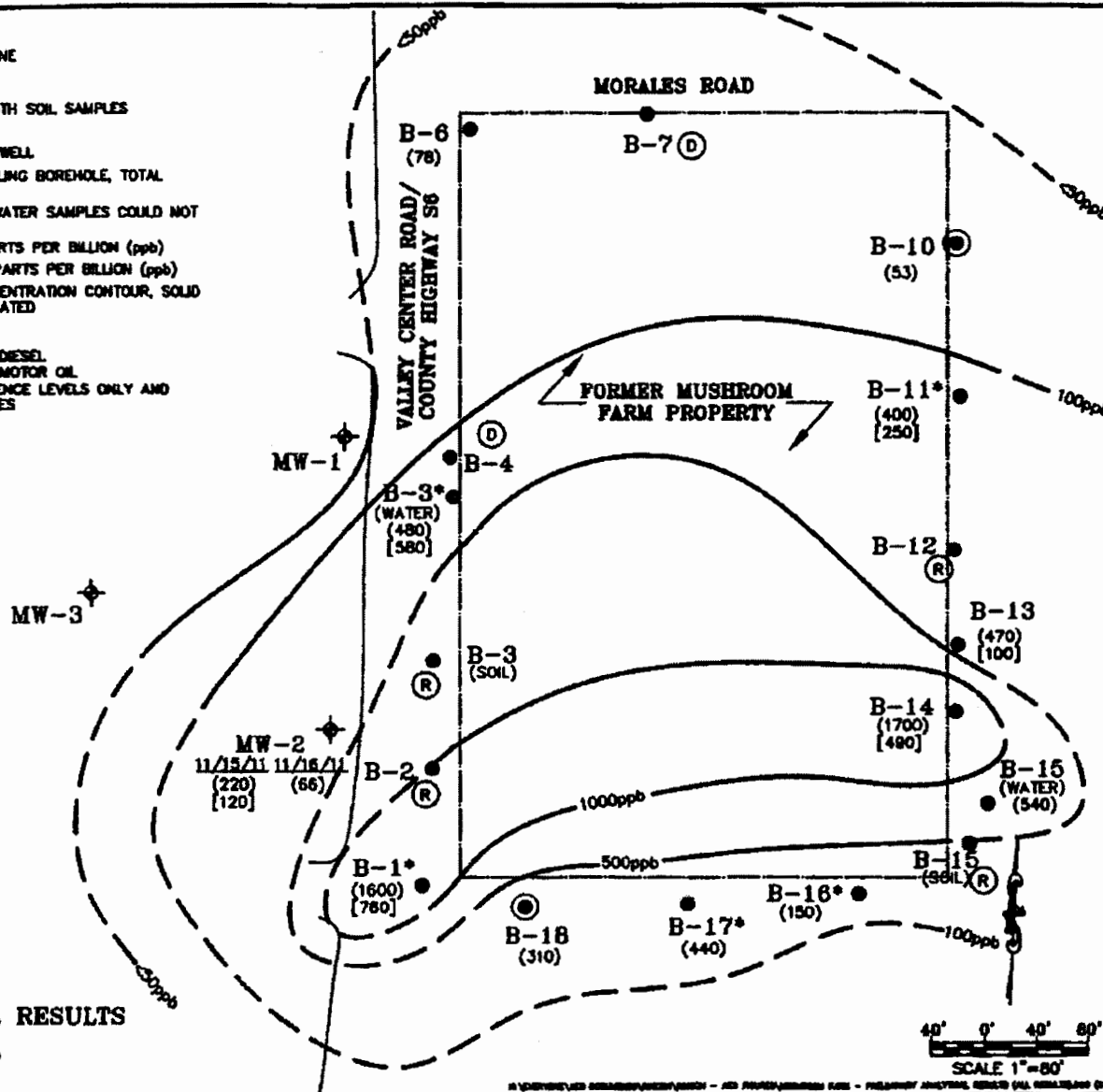
BOREHOLE AND MONITORING WELL LOCATIONS
FORMER RINCON MUSHROOM FARM
33777 VALLEY CENTER ROAD
VALLEY CENTER, CALIFORNIA 92802

APPROVAL	DATE
_____	11/2/11

FIGURE 3

LEGEND

- APPROXIMATE LOCATION OF PROPERTY LINE
- APPROXIMATE LOCATION OF BOREHOLE
- ⊙ APPROXIMATE LOCATION OF BOREHOLE WITH SOIL SAMPLES COLLECTED FOR GEOTECHNICAL ANALYSIS
- ✦ APPROXIMATE LOCATION OF MONITORING WELL
- (R) DRILL RIG REACHED REFUSAL WHILE DRILLING BOREHOLE, TOTAL DEPTH WAS NOT BE REACHED
- (D) BOREHOLE WAS DRY AT TOTAL DEPTH, WATER SAMPLES COULD NOT BE COLLECTED
- (PPB) TPHd IN GROUNDWATER, RESULTS IN PARTS PER BILLION (ppb)
- [PPB] TPHmo IN GROUNDWATER, RESULTS IN PARTS PER BILLION (ppb)
- () PRELIMINARY TPHd GROUNDWATER CONCENTRATION CONTOUR, SOLID WHERE INFERRED, DASHED WHERE ESTIMATED
- ppm PARTS PER MILLION
- ppb PARTS PER BILLION
- TPHd TOTAL PETROLEUM HYDROCARBONS AS DIESEL
- TPHmo TOTAL PETROLEUM HYDROCARBONS AS MOTOR OIL
- * SAMPLE RESULTS ARE USED AS REFERENCE LEVELS ONLY AND SHOULD BE CONSIDERED MINIMUM VALUES



CONTAMINANT ANALYTICAL RESULTS

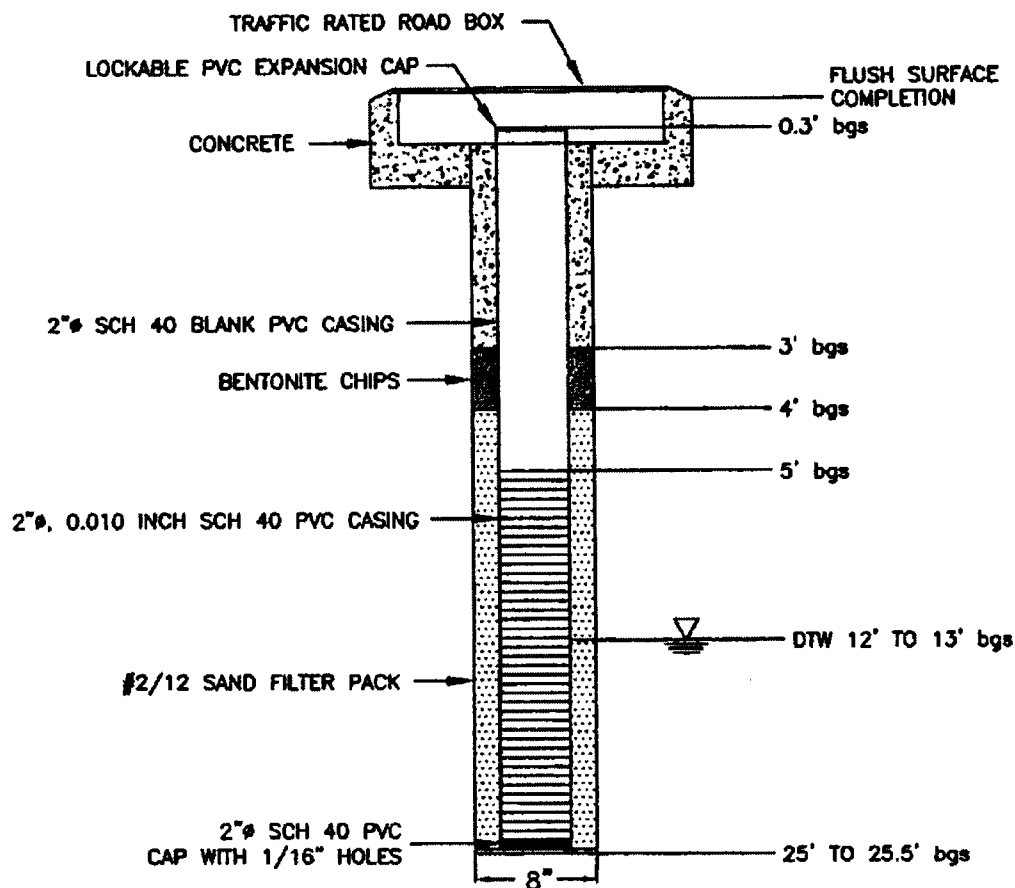
FORMER RINCON MUSHROOM FARM

33777 VALLEY CENTER ROAD
VALLEY CENTER, CALIFORNIA 92802

APPROVAL	DATE
Owner	11/13/11

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FIGURE 4



AS BUILT MONITORING WELL SCHEMATIC
MW-1, MW-2, AND MW-3
 (NOT TO SCALE)

LEGEND

bgs BELOW GROUND SURFACE
 DTW DEPTH TO WATER

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AS BUILT MONITORING WELL SCHEMATIC
FORMER RINCON MUSHROOM FARM
 33777 VALLEY CENTER ROAD
 VALLEY CENTER, SAN DIEGO COUNTY, CALIFORNIA

APPROVAL	DATE
Drawn	12/29/11
Scale	1/8" = 1'-0"

FIGURE 5




LEGEND

- APPROXIMATE LOCATION OF PROPERTY LINE
- APPROXIMATE LOCATION OF BOREHOLE WITH SOIL SAMPLES COLLECTED FOR GEOTECHNICAL ANALYSES
- ⊕ APPROXIMATE LOCATION OF MONITORING WELL
- (MW) GROUNDWATER SURFACE ELEVATION
- APPROXIMATE LOCATION OF GROUNDWATER CONTOUR (INTERVAL = 0.25')
- ↑ APPROXIMATE DIRECTION OF GROUNDWATER FLOW IN THE VICINITY OF THE MONITORING WELLS

NOTES

1. THE BASEMAP IS CREATED FROM A PHOTO TAKEN IN AUGUST 2010. THE BASEMAP DOES NOT REFLECT CURRENT CONDITIONS AT THE SITE.
2. MW-1'S ELEVATION WAS ESTABLISHED USING A GPS UNIT AT 6611.59 FEET FOR THE TOP OF THE WELL CASING. THE ELEVATIONS OF MW-2 AND MW-3 WERE SURVEYED RELATIVE TO MW-1.



APPLIED ENGINEERING AND GEOLOGY, INC.
 Engineers • Environmental Assessors • Geologists
 P.O. BOX 287 LINCOLN, CA 95008
 Ph (916) 646-0014 aegEngineers.com

GROUNDWATER ELEVATION CONTOURS 11/16/11
FORMER RINCON MUSHROOM FARM
 33777 VALLEY CENTER ROAD
 VALLEY CENTER, CALIFORNIA 92802

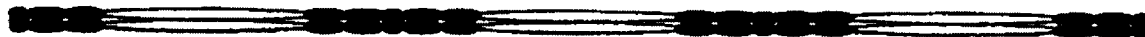
FIGURE 6

APPROVAL	DATE
_____	12/12/11
_____	_____

EXHIBIT 2

CROWELL LAW OFFICES

Tribal Advocacy Group



Scott Crowell*
*Licensed in
Washington State
and Arizona

Scott Wheat**
**Licensed in
Washington State

Bruce Didesch***
*** Of Counsel
Licensed in
Washington State

Gyasi Ross**
**Licensed in
Washington
State

Lael Echo-
Hawk**
Licensed in
Washington State

February 8, 2012

Mr. George McGill

Re: Proposed Schedule for Soil and Groundwater Sampling at 33777
Valley Center Road

Dear George,

The Tribe's consultants propose the following schedule for soil and
groundwater sampling at 33777 Valley Center Road, Valley Center, CA 92082
(the Site):

February 27, 2012: Onsite meeting at the Mushroom Farm to
determine final location of proposed onsite boreholes (during the
afternoon).

February 27, 2012 through March 3, 2012: Drilling offsite monitoring
wells (no onsite drilling activities).

March 12, 2012: Final locations of onsite boreholes to be submitted by
AEG by this date.

March 12, 2012 through March 23, 2012: Drilling prefield work is to
be performed.

March 26, 2012 through April 6, 2012: Drilling onsite boreholes,
develop and sample new monitoring wells, and sample existing wells.
The well development and sampling will happen concurrently with
the borehole drilling.

Spokane Office	Kirkland Office
10 N. Post, Suite 445,	218 Main Street
Spokane, WA 99201	Kirkland, WA 98033
Phone (509) 474-1265	Phone (425) 828-9070
Fax (509) 290-6955	Fax (425) 828-8978

The Tribe requests that your clients assume responsibility for locating and marking the onsite utilities before February 27, 2012. While utility location services can be hired; that would result in additional estimated costs from \$2,000 to \$3,000 and would require an additional full day's access to the Site.

Additionally, Applied Engineering and Geology has prepared a draft proposed work plan that includes proposed borehole soil and borehole groundwater sampling analyses. Upon finalization, I will forward the work plan for your clients' consideration.

To date, we have confirmed that representatives from both the Bureau of Indian Affairs and the Indian Health Service are available to be on the Site on February 27, 2012 to witness the identification of borehole locations. Be advised that the agencies do not believe it is necessary for them to be at the Site when the samples are collected from March 26, 2012 through April 6, 2012.

Finally, as we have discussed, given the difficulty in securing the services of a driller, it is important to finalize the proposed schedule as soon as possible. We are hopeful that you will be able to confirm your client's consent to the proposed schedule by 2/15/2012.

Sincerely,



Scott Wheat
Attorney for the Rincon Band of Luiseño Indians

EXHIBIT 3

TRANSMISSION VERIFICATION REPORT

TIME : 02/16/2012 14:39
NAME :
FAX : 5892906953
TEL : 5892906953
SER. # : D9N123922

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

02/16 14:34
18584811246
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14
OK
STANDARD
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CROWELL LAW OFFICES

Tribal Advocacy Group

Scott Crowell*

*Licensed in Washington State and
Arizona

Scott Wheat**

**Licensed in Washington State

Bruce Dideach

***Of Counsel
Licensed in Washington State

FEBRUARY 16, 2012

TO: George McGill

FAX NO: 858-481-1246

FROM: CROWELL LAW OFFICES- Mandi

PAGES INCLUDING COVER: 14

RE: Rincon Band of Luiseno Indians v. Marvin Donius & RMCA

George- Faxed herewith is the Workplan for Offsite Well Installation and Onsite Soil and Groundwater Sampling.

Pursuant to the letter you received from our office on February 8, 2012 and consistent with the telephonic conversation held on the same day, an onsite meeting at the Mushroom Farm to determine the final location of proposed onsite boreholes has been scheduled for February 27. As of today's date we have not received confirmation with regard to accessing the property.

We are hereby requesting consent to enter the property to complete the above

CROWELL LAW OFFICES

Tribal Advocacy Group

Scott Crowell*

*Licensed in Washington State and
Arizona

Scott Wheat**

**Licensed in Washington State

Bruce Didesch

*** Of Counsel
Licensed in Washington State

FEBRUARY 16, 2012

TO: George McGill

FAX NO: 858-481-1246

FROM: CROWELL LAW OFFICES- Mandi

PAGES INCLUDING COVER:

RE: *Rincon Band of Lulseno Indians v. Marvin Donius & RMCA*

George- Faxed herewith is the Workplan for Offsite Well Installation and Onsite Soil and Groundwater Sampling.

Pursuant to the letter you received from our office on February 8, 2012 and consistent with the telephonic conversation held on the same day, an onsite meeting at the Mushroom Farm to determine the final location of proposed onsite boreholes has been scheduled for February 27. As of today's date we have not received confirmation with regard to accessing the property.

We are hereby requesting consent to enter the property to complete the above-mentioned task. If we do not have an affirmative answer by close of business tomorrow, Friday February 17, we will be moving the Court for an Order to enter the property.

We look forward to your response.

Mandi

Spokane Office

10 N. Post, Suite 445,
Spokane, WA 99201
Phone (509) 474-1265
Fax (509) 290-6999

Kirkland Office

218 Main Street, PMB 471
Kirkland, WA 98033
Phone (425) 828-9070
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APPLIED ENGINEERING AND GEOLOGY, INC.
Engineers • Environmental Assessors • Geologists

578 E Street
Lincoln, California 95648
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Workplan for Offsite Well Installation and Onsite Soil and Groundwater Sampling

Site:
Former Rincon Mushroom Farm
APN 133-180-020
33777 Valley Center Road
Valley Center, San Diego County, California 92082

Prepared for:
Rincon Band of San Luisefio Indians
P.O. Box 68
Valley Center, California 92082

FEBRUARY 3, 2012

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1	Site Vicinity Map
2	Known Contaminant Plume
3	Proposed Offsite Well Locations
4	Proposed Well Schematic
5	Proposed Onsite Borehole Locations

Applied Engineering and Geology, Inc. (AEG) has prepared this *Workplan for Offsite Monitoring Well Installation and Onsite Soil and Groundwater Sampling* (Workplan) as part of the investigation of impacts to water quality from the Former Rincon Mushroom Farm (Site) at the request of the Rincon Band of San Luiseno Indians (Band). The Site is located at 33777 Valley Center Road, Valley Center, California 92082 and a site vicinity map is shown on Figure 1. This Workplan has been prepared to detail the installation, development, and sampling of nine offsite monitoring wells; the drilling, sampling, and backfilling of 15 onsite boreholes; and sampling of three existing monitoring wells in the vicinity of the Site.

1.0 PROPOSED OFFSITE MONITORING AND EXTRACTION WELL INSTALLATION

During the previous investigation of the Site, AEG identified contaminant plumes in groundwater which appear to originate on the Site (see Figure 2). To define the extent of the known contaminant plumes, and allow for possible future sampling and remediation, AEG proposes installing seven additional monitoring wells and two extraction wells on the north, east, and south sides of the Site, near the estimated edge of the known plumes and in highly contaminated areas.

1.1 Proposed Well Locations

The proposed monitoring/extraction well locations are shown on Figure 3. Actual locations may vary based on the presence of utilities or obstructions that may be present at the time of field activities. A description of these locations is as follows:

- MW-4 - West side of Valley Center Road, near the Morales Road intersection;
- MW-5 - In Morales Road, north of Site;
- MW-6 - East of Site, in concrete pad;
- MW-7 - Along Eastern boundary of Site;
- MW-8 - Approximately 280 feet East of MW-7;
- MW-9 - In field south of Site;
- MW-10 - Southern Casino parking lot, Southwest of Site;
- EW-1 - Near Southwest corner of Site; and,
- EW-2 - Near Southeast corner of Site.

Wells EW-1 and EW-2 are labeled with different nomenclature, than the monitoring wells, to identify

them as possible future extraction wells for the purpose of environmental remediation.

1.2 Drilling Procedures

AEG proposes to use a hollow stem auger (HSA) drill rig to advance nine 8-inch diameter boreholes to total depths of approximately 25 feet below ground surface (bgs). During drilling, the Supervising Rig Engineer (SRE) will be onsite observing the work and compiling a record of events as they occur. The SRE will collect the samples, take measurements with a photo ionization detector (PID) or other monitoring device, assist with sample collection and preservation, and maintain the records.

All parts of the equipment going into the ground will be steam cleaned or pressure washed with clean water prior to the rig coming onsite and washed again before starting each new borehole. All water used for decontamination will be stored in 55-gallon DOT approved drums, and remain on the property of the Client until proper disposal can be arranged. Drill cuttings will also be placed in 55-gallon DOT approved drums and remain the property of the Client until proper disposal can be arranged.

1.3 Soil Sampling

Soil samples will be collected from the drill cuttings for geologic classification purposes only and no soil samples will be retained for laboratory analysis. The SRE will record approximate sample depths, a description of the soil, and its Unified Soil Classification System (USCS) symbol. Each sample will be examined visually and with a PID to determine the presence of volatile hydrocarbons or other types of contamination.

1.4 Well Installation

Once each borehole has been advanced to its total depth of approximately 25 feet bgs, it will be completed as a 2-inch diameter groundwater monitoring or extraction well. All nine boreholes will be completed with 20 feet of 2-inch diameter schedule 40 PVC well screen, with 0.020 inch slots. The well screen for the monitoring wells will be factory slotted with 0.125-inch spacing, and the extraction wells will have wire-wound screen PVC to accommodate the ability to extract higher flow rates, if necessary. If the SRE becomes concerned that having the well screened to 5 feet bgs may allow for surface infiltration into the well, only 15 feet of screen may be used. The screen will be flush threaded to schedule 40 blank PVC casing extending to the surface.

When the screen is positioned at the proper depth, the materials to fill the annular space surrounding the casing will be added through the augers. A filter pack of #3 Monterey sand will be placed around the screen to approximately one foot above the top of the screen slots. Following placement of this sand, the well will be surged to assure the sand is settled and there are no voids in the sand column. Following surging, the depth to top of sand will be measured and enough sand will be added to again have approximately one foot above the top of the slotted screen.

A bridge of hydrated granular bentonite will be placed on top of the filter pack. The bridge will have a minimum thickness of one foot. The remaining annular space of the borehole will be sealed with a bentonite-cement grout mix to prevent surface infiltration into the well. This bentonite-cement grout will be placed from the top of sand bridge to within 1½ feet of the ground surface, and consist of 7.5 gallons of potable water and three pounds non-beneficiated bentonite to each 94 pound sack of Type I-II Portland cement.

The surface completion of the proposed monitoring wells will consist of flush mounted traffic rated road boxes set in concrete. A detailed schematic of the proposed monitoring wells is presented in Figure 4.

1.5 Well Development

After installation is complete, the new monitoring wells will be ready for development. The wells will

be surged to draw fine materials such as silt, clay, and very fine sand found immediately around the filter packs into the wells. These fines will be removed from the wells by bailing and pumping. The process of development provides better communication between the water in the aquifer and the well screen. This allows the collection of groundwater samples and data to be representative of the water in the aquifer. Development will be complete when the wells produce clear water that is nearly free of fine soil particles. The water produced by development will be discharged into the Harrah's Rincon Casino Waste Water Treatment Plant's influent stream for treatment and disposal.

1.6 Survey of Wells

The new well's location and elevation will be surveyed following the completion of their drilling and construction. The wells elevations will be surveyed to the existing monitoring well network associated with the Site. Prior to surveying the wells, the top of casing on each well will be notched on the north side. This notch will be the point on the casing which will be surveyed.

2.0 WELL WATER SAMPLING

After the new monitoring wells have been developed and surveyed, groundwater samples will be collected from each new and existing monitoring wells for laboratory analysis. Prior to the collection of groundwater samples, the monitoring wells will be purged of at least three well volumes or until dry. The temperature, pH, conductivity, oxidation reduction potential (ORP), total dissolved solids (TDS), and dissolved oxygen (DO) will be measured and recorded.

Before purging, the depth to groundwater will be measured from notches placed on the north side of the top of the well casings. Groundwater elevations will be calculated by subtracting the depth to groundwater in each well from the elevation of the top of the PVC casing. Groundwater elevations in the wells will be used to further define the direction of groundwater flow and calculate the gradient.

Groundwater samples will be collected using disposable polyethylene bailers and placed in the appropriate containers and preserved with the appropriate preservatives. The samples will then be labeled, stored in a chilled ice chest, and transported under strict chain-of-custody to Kiff Analytical, LLC for analysis. Groundwater samples collected from the new and existing monitoring wells (MW-1 through MW-9, EW-1, and EW-2) will be analyzed by EPA Method 8260B for total petroleum hydrocarbons as gasoline (TPHg); benzene, toluene, ethylbenzene, and xylenes (BTEX); and methyl tert butyl ether (MTBE) and by EPA Method 8015M for total petroleum hydrocarbons as diesel (TPHd) and total petroleum hydrocarbons as motor oil (TPHmo).

3.0 PROPOSED ONSITE SOIL AND GROUNDWATER SAMPLING

To define the known contaminant plumes onsite, and possibly identify additional contaminant plumes, AEG proposes to install 15 direct push boreholes onsite to a depth of 25 feet bgs.

3.1 Proposed Borehole Locations

The general locations of each proposed borehole are shown on Figure 5. Actual locations may vary based on the presence of utilities or obstructions that may be present at the time of field activities, onsite observations, and/or Site conditions. A refinement of these locations will occur after access to the Site is granted. The general locations of the proposed boreholes are described as follows:

- B-19 - Southwest corner of Site;
- B-20 - South center of Site;
- B-21 - Southeast corner of Site;
- B-22 - West side of Site;
- B-23 - Center of Site;
- B-24 - East side of Site;
- B-25 - West side of Site;
- B-26 - Center of Site;
- B-27 - East side of Site;
- B-28 - West side of Site;
- B-29 - Center of Site;
- B-30 - East side of Site;
- B-31 - Northwest corner of Site;
- B-32 - North center of Site; and,
- B-33 - Northeast corner of Site.

3.2 Drilling Procedures

AEG proposes to use a HSA drill rig to advance 15 6-inch diameter boreholes to total depths of approximately 25 feet bgs. During drilling, the SRE will be onsite observing the work and compiling a record of events as they occur. The SRE will collect the samples, take measurements with a PID or other monitoring device, assist with sample collection and preservation, and maintain the records.

All parts of the equipment going into the ground will be steam cleaned or pressure washed with clean water prior to the rig coming onsite and washed again before starting each new borehole. All water used for decontamination will be stored in 55-gallon DOT approved drums, and remain on the property of the Client until proper disposal can be arranged. Drilling cuttings will also be placed in 55-gallon DOT approved drums and remain the property of the Client until proper disposal can be arranged.

3.3 Soil Sampling

Soil samples will be collected from the drill cuttings for geologic classification purposes only. Soil samples will be collected from each borehole, in the vicinity of the top of the groundwater table and where obvious signs of contamination are observed, for laboratory analysis. One soil sample will be retained from each borehole for laboratory analysis. Samples will be collected through the HSA by driving a split spoon sampler using a 140 pound drop hammer. All sampling equipment will be properly cleaned and rinsed prior to use. Samples will be collected in clean 2-inch diameter, 6-inch long stainless steel or brass tubes. Any sample which may be retained for laboratory analysis will have its ends trimmed, be covered with Teflon® and plastic caps, and be wrapped with tape. The sample will then be labeled and preserved on ice. These samples will then be labeled, stored in a chilled ice chest, transported under strict chain-of-custody, and submitted to Kiff Analytical, LLC, for analysis. Soil samples retained for analysis will be analyzed as shown in Table 1.

Table 1: Proposed Borehole Soil Sampling Analysis		
Analysis	Method	Hold Time
Boreholes: B-22, B-24, B-28, and B-30		
TPHg, BTEX, 7 Olys, Full List VOCs	EPA 8260B	14 days
TPHd and TPHmo	EPA 8015M	14 days
SVOCs	EPA 8270C	14 days
CAM 17 Metals	EPA 6010B	28 days
Chlorinated Herbicides	EPA 8151A	14 days
Organochlorine Pesticides	EPA 8081A	14 days
Organophosphorus Pesticides	EPA 8141A	14 days
Coli form: Total, Fecal, E.coli	SM 9221	24 hours
Boreholes: B-19, B-20, B-21, B-23, B-25, B-26, B-27, B-29, B-31, B-32, and B-33		
TPHg, BTEX, 7 Olys, Lead Scavengers	EPA 8260B	14 days
TPHd and TPHmo	EPA 8015M	14 days

TPHg = Total petroleum hydrocarbons as gasoline
 TPHd = Total petroleum hydrocarbons as diesel
 TPHmo = Total petroleum hydrocarbons as motor oil
 BTEX = Benzene, toluene, ethylbenzene, and xylenes
 7 Olys = Methyl tert butyl ether (MTBE), di-isopropyl ether (DIPE), ethyl tert butyl ether (ETBE), tert amyl methyl ether (TAME), tert butanol (TBA), methanol, and ethanol.
 VOCs = Volatile organic compounds
 SVOCs = Semi-volatile organic compounds
 CAM 17 Metals = Silver, arsenic, barium, beryllium, cadmium, cobalt, chromium, copper, mercury, molybdenum, nickel, lead, antimony, selenium, thallium, vanadium, and zinc.
 Lead Scavengers = 1,2-Dichloroethane (1,2-DCA) and 1,2-Dibromomethane (EDB)

The SRE will record sample depths and other information acquired during the drilling, including a description of the soil and its USCS symbol. Each sample will be examined visually and with a PID to determine the presence of volatile hydrocarbons or other types of contamination.

3.4 Groundwater Sampling

After each borehole has been advanced to total depth, a groundwater sample will be collected through the HSAs or temporary casing set in the borehole. Samples will be collected using 1/4-inch diameter tubing with a check valve located at the bottom, disposable bailers, or 1/4-inch diameter tubing and a peristaltic pump (with the exception of VOC sampling).

All groundwater samples will be placed in the appropriate containers and preserved with the appropriate preservatives. Groundwater samples will be collected, stored in a chilled ice chest, and transported under strict chain-of-custody to Kiff Analytical, LLC for analysis. Groundwater samples retained for analysis will be analyzed as shown in Table 2.

Additionally, if the domestic well at the Site is operational, and AEG receives permission to sample the domestic well from the property owner, AEG will collect a groundwater sample from the domestic well to be analyzed by EPA Method 8260B for TPHg, BTEX, and MTBE and by EPA Method 8015M for TPHd and TPHmo.

Table 2: Proposed Borehole Groundwater Sampling Analysis		
Analysis	Method	Hold Time
Boreholes: B-22, B-24, B-28, and B-30		
TPHg, BTEX, 7 Oxys, Full List VOCs	EPA 82608	14 days
TPHd and TPHmo	EPA 8015M	14 days
SVOCs	EPA 8270C	7 days
CAM 17 Metals	EPA 6010B	24 hours
General Minerals	Various	24 hours
Chlorinated Herbicides	EPA 8151A	7 days
Organochlorine Pesticides	EPA 8081A	7 days
Organophosphorus Pesticides	EPA 8141A	7 days
Coli form: Total, Fecal, E.coli	SM 9221	24 hours
Boreholes: B-19, B-20, B-21, B-23, B-25, B-26, B-27, B-29, B-31, B-32, and B-33		
TPHg, BTEX, 7 Oxys, Lead Scavengers	EPA 82608	14 days
TPHd and TPHmo	EPA 8015M	14 days

TPHg = Total petroleum hydrocarbons as gasoline
 TPHd = Total petroleum hydrocarbons as diesel
 TPHmo = Total petroleum hydrocarbons as motor oil
 BTEX = Benzene, toluene, ethylbenzene, and xylenes
 7 Oxys = Methyl tert butyl ether (MTBE), di-isopropyl ether (DIPE), ethyl tert butyl ether (ETBE), tert amyl methyl ether (TAME), tert butanol (TBA), methanol, and ethanol.
 VOCs = Volatile organic compounds
 SVOCs = Semi-volatile organic compounds
 CAM 17 Metals = Silver, arsenic, barium, beryllium, cadmium, cobalt, chromium, copper, mercury, molybdenum, nickel, lead, antimony, selenium, thallium, vanadium, and zinc.
 Lead Scavengers = 1,2-Dichloroethane (1,2-DCA) and 1,2-Dibromomethane (EDB)

3.5 Survey of Boreholes

The latitude (X) and longitude (Y) locations of the boreholes will be surveyed following their drilling. The elevations (Z) of the boreholes will not be surveyed.

4.0 REPORT OF ACTIVITIES

Following the implementation of activities proposed in this Workplan, a report will be prepared summarizing AEG's findings and will include, at a minimum:

1. A figure showing the actual location of the boreholes and monitoring wells;
2. A detailed report of field activities and observations;

3. Borehole logs for boreholes and monitoring wells;
4. As-built diagrams of the monitoring wells;
5. Analytical laboratory test results with chain-of-custody documentation;
6. Graphical and tabulated presentation of direction of groundwater flow and detected analytical plumes; and,
7. Conclusions and recommendations resulting from this investigation.

5.0 STATEMENT OF LIABILITY

This *Workplan for Offsite Monitoring Well Installation and Onsite Soil and Groundwater Sampling* (Workplan) was prepared by Applied Engineering and Geology, Inc. (AEG), at the request of the Band using the degree of care and skill ordinarily exercised, under similar circumstances, by reputable engineers, geologists, and scientists practicing in this or similar localities in California at the time this Workplan was prepared.

No other warranty, expressed or implied, is made as to the information and professional advice included in this Workplan. Any reliance on this Workplan by third parties shall be at such parties' sole risk.

AEG's Workplan is based on factual information obtained from the Rincon Band of San Luiseno Indians, and others, that has been assumed to be correct, accurate, and complete. Applied Engineering and Geology, Inc., does not guarantee the correctness, accuracy, or completeness of the data.

This Workplan or any part thereof may not be reproduced in any form without written permission from Applied Engineering and Geology, Inc., its Principals, or agents. All work performed by AEG will be performed under the direct supervision of the engineer, registered with the State of California, whose signature appears at the end of this document.

Should you have any questions regarding the content of this Workplan, please contact the undersigned at 916.643.6014.

Sincerely,

APPLIED ENGINEERING AND GEOLOGY, INC.

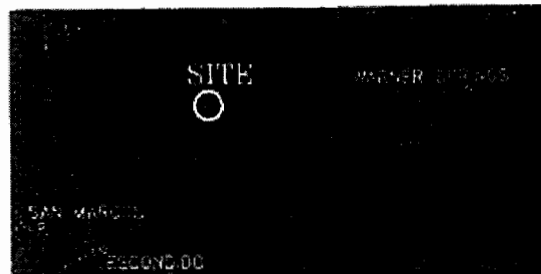
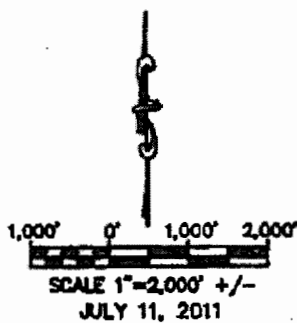
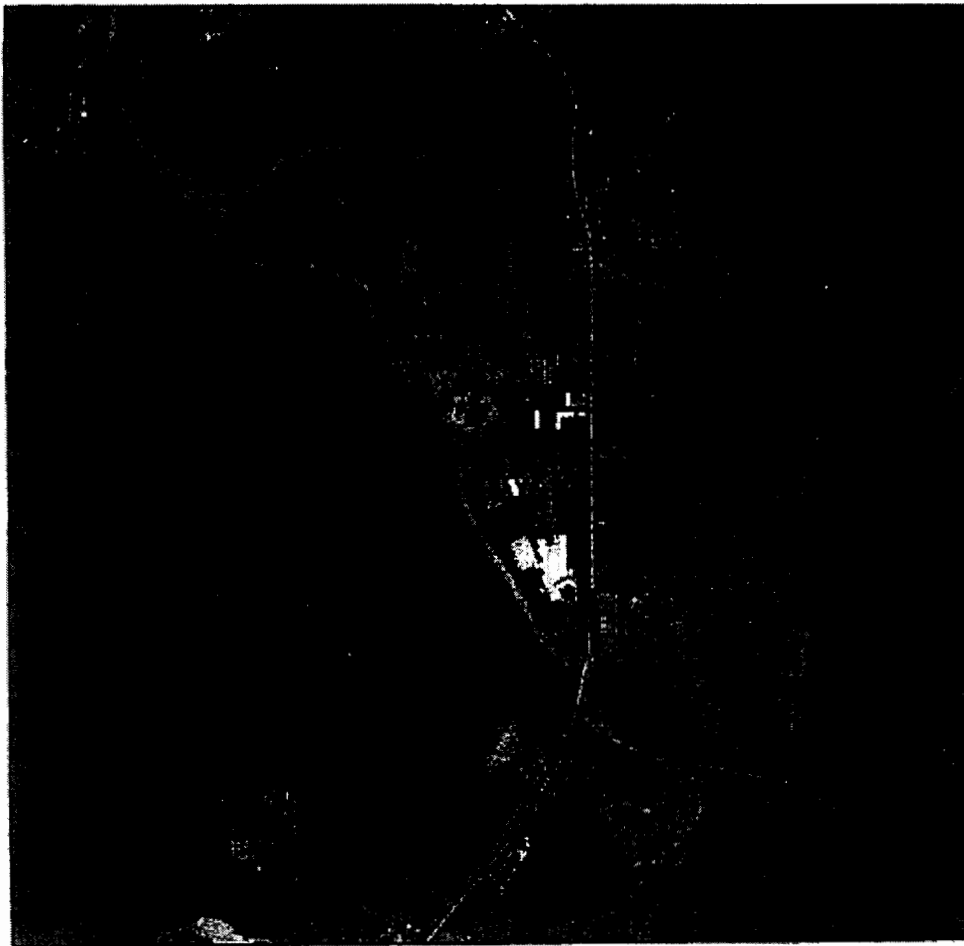


Earl R. Stephens, RCE 45336
Principal Engineer



Attachments:

- Figure 1 - Site Vicinity Map
- Figure 2 - Known Contaminant Plume
- Figure 3 - Proposed Offsite Well Locations
- Figure 4 - Proposed Well Schematic
- Figure 5 - Proposed Onsite Borehole Locations



NOT TO SCALE

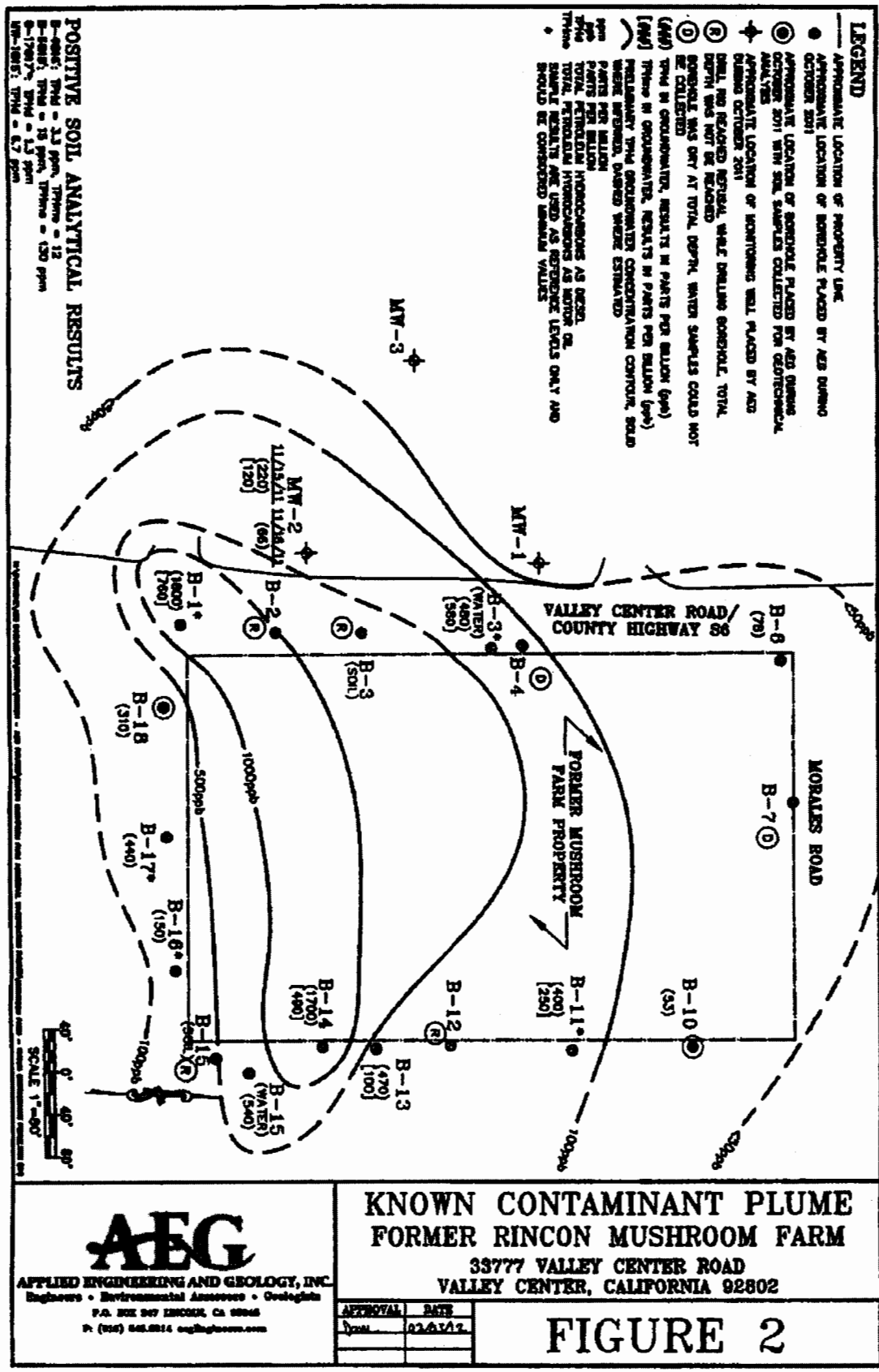
\\EVERETT\AEG DOCUMENTS\RINCON\RINCON - AEG FIGURES\MUSHROOM FARM SITE VICINITY MAP.DWG (38)

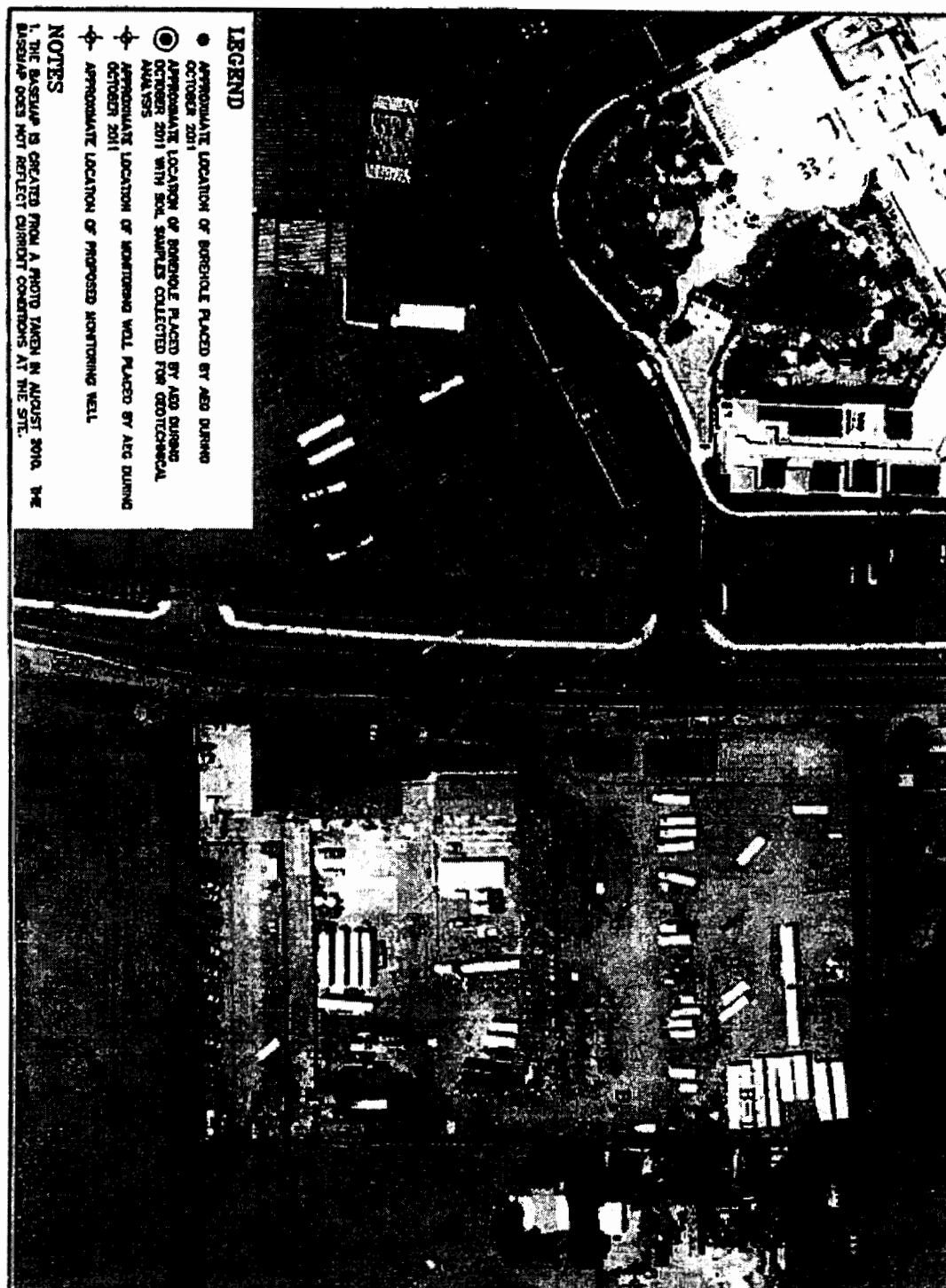
AEG
 APPLIED ENGINEERING AND GEOLOGY, INC.
 Engineers • Environmental Assessors • Geologists
 P.O. BOX 247 LINCOLN, CA 95545
 P: (916) 642.8016 aeg@engineers.com

SITE VICINITY MAP
FORMER RINCON MUSHROOM FARM
 33777 VALLEY CENTER ROAD
 VALLEY CENTER, CALIFORNIA 92802

APPROVAL	DATE
AWL	01/26/12
AES	10/7/12
SMC	01/31/12

FIGURE 1





LEGEND

- APPROXIMATE LOCATION OF BOREHOLE PLACED BY AEG DURING OCTOBER 2011
- APPROXIMATE LOCATION OF BOREHOLE PLACED BY AEG DURING OCTOBER 2011 WITH SOIL SAMPLES COLLECTED FOR GEOTECHNICAL ANALYSIS
- ✦ APPROXIMATE LOCATION OF MONITORING WELL PLACED BY AEG DURING OCTOBER 2011
- ✦ APPROXIMATE LOCATION OF PROPOSED MONITORING WELL

NOTES

1. THE BASEMAP IS CREATED FROM A PHOTO TAKEN IN AUGUST 2010. THE BASEMAP DOES NOT REFLECT CURRENT CONDITIONS AT THE SITE.

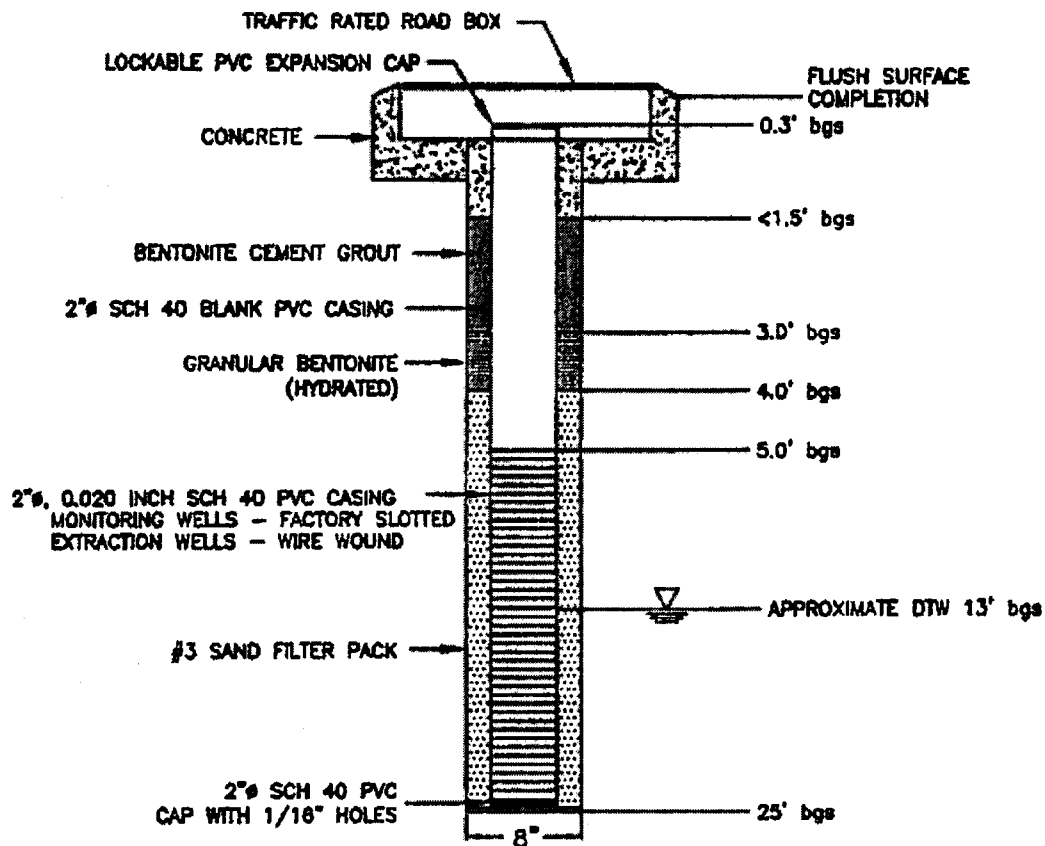
**PROPOSED OFFSITE WELL LOCATIONS
FORMER RINCON MUSHROOM FARM
33777 VALLEY CENTER ROAD
VALLEY CENTER, CALIFORNIA 92802**

AEG

APPLIED ENGINEERING AND GEOLOGY, INC.
Engineers • Environmental Scientists • Geologists
P.O. BOX 249 LINCOLN, CA 95848
P: (916) 645-8924 aeg@engineers.com

APPROVAL	DATE
DATE	06/21/12

FIGURE 3



PROPOSED WELL SCHEMATIC (NOT TO SCALE)

LEGEND

bgs BELOW GROUND SURFACE
DTW DEPTH TO WATER

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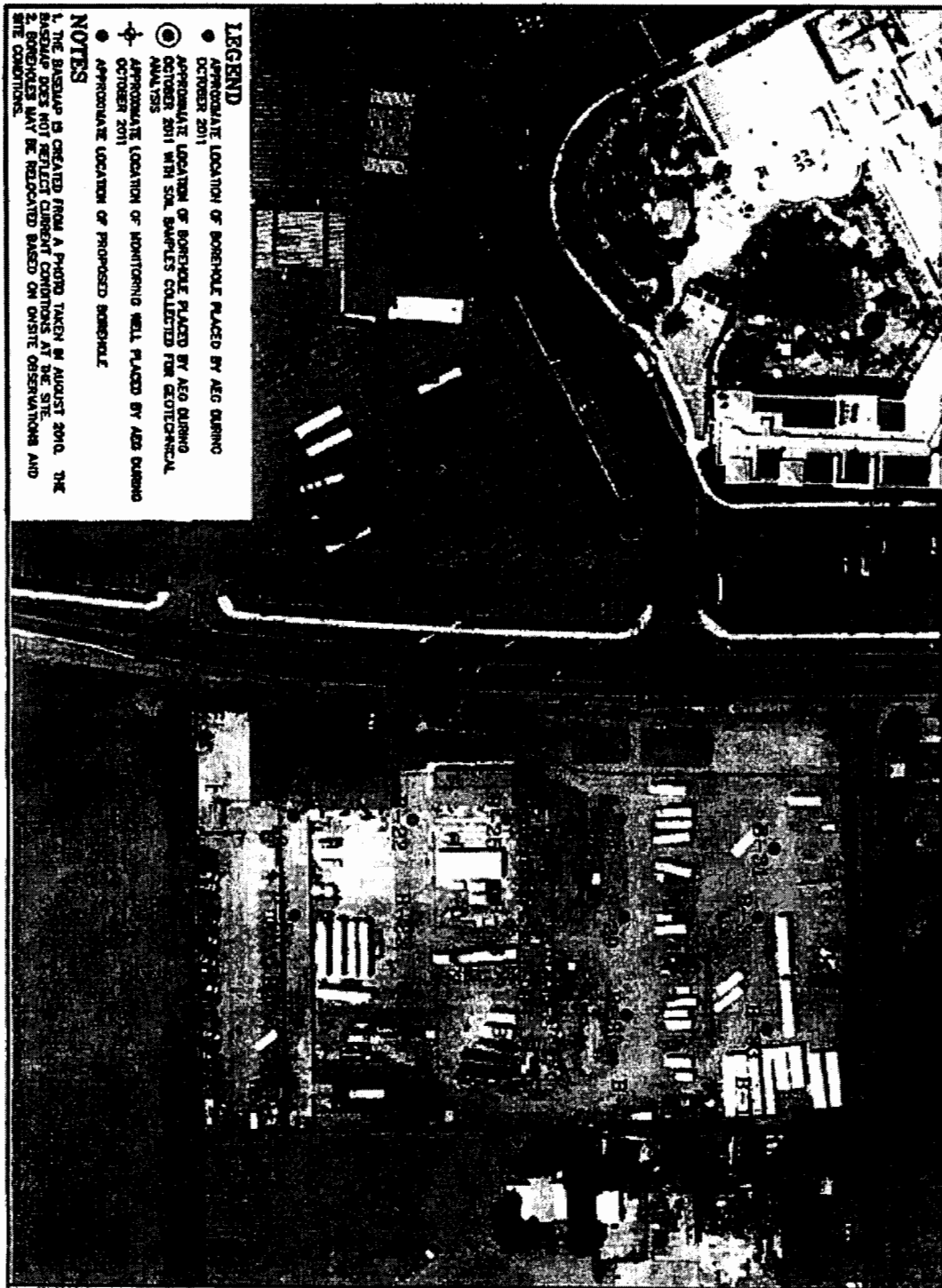
AEG

APPLIED ENGINEERING AND GEOLOGY, INC.
Engineers • Environmental Assessors • Geologists
P.O. BOX 947 LINCOLN, CA 95048
P: (916) 668-0015 aeg@engineers.com

PROPOSED WELL SCHEMATIC
FORMER RINCON MUSHROOM FARM
33777 VALLEY CENTER ROAD
VALLEY CENTER, SAN DIEGO COUNTY, CALIFORNIA

APPROVAL	DATE
DATE	02/03/12

FIGURE 4



LEGEND

- APPROXIMATE LOCATION OF BOREHOLE PLACED BY AEG DURING OCTOBER 2011
- ⊙ APPROXIMATE LOCATION OF BOREHOLE PLACED BY AEG DURING OCTOBER 2011 WITH SOIL SAMPLES COLLECTED FOR GEOTECHNICAL ANALYSIS
- ⊕ APPROXIMATE LOCATION OF MONITORING WELL PLACED BY AEG DURING OCTOBER 2011
- APPROXIMATE LOCATION OF PROPOSED BOREHOLE

NOTES

1. THE BASEMAP IS CREATED FROM A PHOTO TAKEN IN AUGUST 2010. THE BASEMAP DOES NOT REFLECT CURRENT CONDITIONS AT THE SITE.
2. BOREHOLES MAY BE RELOCATED BASED ON ONSITE OBSERVATIONS AND SITE CONDITIONS.

PROPOSED ONSITE BOREHOLE LOCATIONS
FORMER RINCON MUSHROOM FARM
 33777 VALLEY CENTER ROAD
 VALLEY CENTER, CALIFORNIA 92802

AEG

APPLIED ENGINEERING AND GEOLOGY, INC.
 Engineers • Environmental Assessors • Geologists
 P.O. BOX 247 LINDSEY, CA 95646
 P: (916) 848-8014 aeg@engineering.com

APPROVAL	DATE
_____	01/02/12

FIGURE 5

EXHIBIT 4

1 Scott Crowell
2 Attorney General
3 Rincon Band of Luiseno Indians

4 Scott Wheat
5 Crowell Law Offices
6 Tribal Advocacy Group
7 10 North Post, Suite 445
8 Spokane, WA 99201
9 Telephone: (509) 474-1265
10 Facsimile: (509) 290-6953

11 *Attorneys for Plaintiff*
12 *Rincon Band of Luiseno Indians*

13 **THE INTERTRIBAL COURT OF SOUTHERN CALIFORNIA**
14 **RINCON BAND OF LUISENO INDIANS**

15 RINCON BAND OF LUISENO INDIANS,
16 Plaintiff,

17 v.

18 MARVIN DONIUS, and MUSHROOM
19 EXPRESS, INC.,

20 Defendants.

Case No. RINCON-02972009

DECLARATION OF MANDI ISBELL IN
SUPPORT OF PLAINTIFF'S MOTION
FOR ORDER COMEPLING SITE
ACCESS

21 I, Mandi Isbell, hereby declare that:

- 22 1. I am a certified paralegal, over the age of 18, employed by Crowell Law Offices,
23 who represent the Rincon Band of Luiseno Mission Indians (the "Tribe" or "Rincon")
24 in this action. I have personal knowledge of the matters set forth below and, if called
25 as a witness to testify, I would and could testify to the facts as set forth below. I
26 submit this declaration in my capacity as an employee of legal counsel to the Tribe


DECLARATION OF MANDI ISBELL

1 and by doing so I am not authorized nor do I intend to waive the Tribe's sovereign
2 immunity or my immunity from suit as an employed agent of the Tribe.

- 3 2. On March 19, 2012 during a telephonic conversation with Scott Wheat, attorney for
4 the Plaintiffs, and George McGill, attorney for the Defendants, Mr. McGill advised
5 that their expert performed a site visit last Saturday, and for the first time Mr. McGill,
6 objected to the proposed borehole testing because AEG, had not sought and obtained
7 from the San Diego County Department of Environmental Health to dig test wells.

8
9 I certify under PENALTY OF PERJURY under the laws of the Rincon Band of Luiseno
10 Indians that the foregoing is true and correct.

11 Executed this 20th day of March, 2012 at Spokane, Washington.

12 
13 Mandi Isbell

14 DECLARATION OF SERVICE

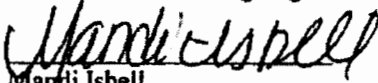
15 I, the undersigned, declare: I am a Certified Paralegal employed by Crowell Law Offices, attorneys
16 representing the Rincon Band of Luiseno Indians in this action. I am over the age of 18 and not a party to
17 this action. My business address is 10 N. Post, Ste. 445, Spokane, WA 99201.

18 On March 20, 2012 I served the **DECLARATION OF MANDI ISBELL IN SUPPORT OF**
19 **PLAINTIFFS MOTION FOR ORDER COMPELLING SITE ACCESS** on the interested parties in
20 this action identified below by placing the original or a true copy thereof in a sealed envelope addressed
21 as follows:

22 [X] BY EMAIL: I caused such document(s) to be delivered by email to: glawgem@aol.com the email
23 addresses of legal counsel for the Defendants in this action as listed above.

24 [X] VIA FAX: I caused such documents to be delivered by facsimile transmission to: 858-481-1246, the
25 fax number of legal counsel for the Defendants in this action as listed above.

26 I declare that the foregoing is true and correct.

27 
28 Mandi Isbell
29 Paralegal
30 Crowell Law Offices

DECLARATION OF MANDI ISBELL

EXHIBIT 5

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HON. MICHAEL B. ORFIELD

DEFENDANTS.

CASE NO.
37-2008-00101838-
CU-BT-NC

JULY 17, 2009

LESLIE G. MAST, CSR NO. 3363
OFFICIAL REPORTER
SAN DIEGO SUPERIOR COURT

1 THE ACCESS TO THIS CASINO. THAT'S WHAT THE TRIBE
2 WANTS. THEY WANT THAT PROPERTY WHICH IS LANDLOCKED.
3 ONLY ACCESS IS THROUGH OUR PROPERTY.

4 INCIDENTALLY, THIS SUGGESTION THAT WE ARE
5 JUST MORTGAGEES AND WE HAVE NO INTEREST, NO
6 STANDING, SHE SAID, CITED IN A 1922 CASE. THERE'S A
7 CASE TWO YEARS AGO IN THE COURT OF APPEAL, SAYS A
8 MORTGAGEE HAS STANDING. AND IF WE HAD AN
9 EVIDENTIARY HEARING, WE'D SHOW YOU HDW IN THE DEED
10 OF TRUST THAT MR. DONIUS HAS ASSIGNED ALL OF THESE
11 CAUSES OF ACTION TO THE PLAINTIFF. THERE'S NO
12 STANDING ISSUE HERE. IT'S A TOTAL RED HERRING.

13 THE COURT: LET ME HEAR -- ANYTHING THE COUNTY
14 WANTS TO ADDRESS TO THE ARGUMENT?

15 MS. PILSECKER: YOUR HONOR, THE ONLY POINT THAT
16 I WOULD MAKE IS THAT THE COUNTY DID FILE A JOINDER
17 IN THE MOTION TO DISMISS BECAUSE BASED ON SOME OF
18 THE CASES THAT THE TRIBE HAS CITED, SPECIFICALLY
19 MONTANA AND BRENDALE, IT WAS OUR DETERMINATION THAT
20 THE COUNTY HAS NO REGULATORY JURISDICTION OVER THIS
21 PROPERTY AND THAT, IN FACT, THE TRIBE IS THE
22 APPROPRIATE AUTHORITY TO REGULATE IT. AND SO IT IS
23 FOR THAT REASON THAT WE JOINED THE MOTION.

24 BUT IN TERMS OF CITING ANY ADDITIONAL
25 AUTHORITY, I THINK THAT THE ATTORNEYS FOR THE TRIBE
26 ARE DOING MORE THAN A SUFFICIENT JOB OF COVERING
27 THAT.

28 MR. MCGILL: MAY I RESPOND TO THAT BRIEFLY?

1 JOHN J. SANSONE, County Counsel
County of San Diego
2 By C. ELLEN PILSECKER, Senior Deputy (SBN 154241)
1600 Pacific Highway, Room 355
3 San Diego, California 92101
Telephone: (619) 531-6229
4 Facsimile: (619) 531-6005

EXEMPT FROM FILING FEES
GOV'T CODE § 6103

5 Attorneys for Cross-Defendant County of San Diego
6
7

8 **SUPERIOR COURT OF CALIFORNIA**
9 **SAN DIEGO COUNTY, NORTH COUNTY DIVISION**
10

11 RINCON MUSHROOM CORPORATION OF AMERICA, a California corporation.	)	Case No. 37-2008-00101838-CU-BT-NC
12 Plaintiff,	)	Action Filed: December 15, 2008
13 v.	)	CROSS-DEFENDANT COUNTY OF
14 SAN DIEGO GAS & ELECTRIC COMPANY, a	)	SAN DIEGO'S NOTICE OF JOINDER AND
15 Sempra Energy Utility; DOE CO.; and DOES I and II.	)	JOINDER IN CROSS-DEFENDANT RINCON
16 Defendants.	)	BAND OF LUISEÑO MISSION INDIANS'
	)	MOTION TO DISMISS
17	)	Date: July 17, 2009
18	)	Time: 1:30 p.m.
And Related Cross-Complaint.	)	Dept.: NC-28
	)	Judge: Hon. Michael B. Orfield
	)	Trial Date: Not Set

19 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

20 PLEASE TAKE NOTICE that Cross-Defendant County of San Diego ("County") hereby joins in
21 Cross-Defendant, Rincon Band of Luiseno Mission Indians of the Rincon Reservation's ("Tribe")
22 Motion to Dismiss. The Motion to Dismiss is set for hearing on July 17, 2009 at 1:30 p.m., or as soon
23 thereafter as the parties may be heard, in Department N-28 of the Court, located at 325 South Melrose,
24 Vista, California 92081.

25 Joinder is warranted in that the County concurs and joins in the arguments and authorities
26 contained in the Tribe's Motion, and the supporting Memorandum of Points and Authorities. A separate
27 brief in support of the motion would be redundant.

28 ///

**CROSS-DEFENDANT COUNTY OF SAN DIEGO'S NOTICE OF JOINDER AND JOINDER IN CROSS-
DEPENDANT RINCON BAND OF LUISEÑO MISSION INDIANS' MOTION TO DISMISS**

1 Accordingly, the County respectfully requests that the Tribe's Motion to Dismiss be granted.
2 This Joinder is based upon this Notice, the Tribe's Motion to Dismiss, the Points and Authorities and
3 other supporting documents filed by the Tribe, the Court's file in this case, and on such other oral and
4 documentary evidence as may be considered by the Court at the time of the hearing.

5 DATED: 6/18/09

JOHN J. SANSONE, County Counsel

6 By *C. Ellen Pilsecker*
7 C. ELLEN PILSECKER, Senior Deputy
8 Attorneys for Cross-Defendant County of San Diego
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1 I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.

2 My residence or business address is: 1600 Pacific Highway, Room 355, San Diego, CA 92101

3 On (date): June 18, 2009 I mailed from (city and state): San Diego, CA 92101
the following documents (specify):

4. I served the documents by enclosing them in an envelope and (check one):

a. ☐ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

b. ☒ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

a. Name of person served: Raul Olamendi Smith, Esq. George McGill, Esq. Karen R. Graham, Esq.

b. Address of person served: Sempra Energy 1328 Sun Valley Road 1775 E. Palm Canyon
101 Ash Street, Suite 1100 Solana Beach, CA 92075-1647 Suite 110-251
San Diego, CA 92101 Palm Springs, CA 92264

TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM

SIGNATURE OF PERSON COMPLETING THIS FORM